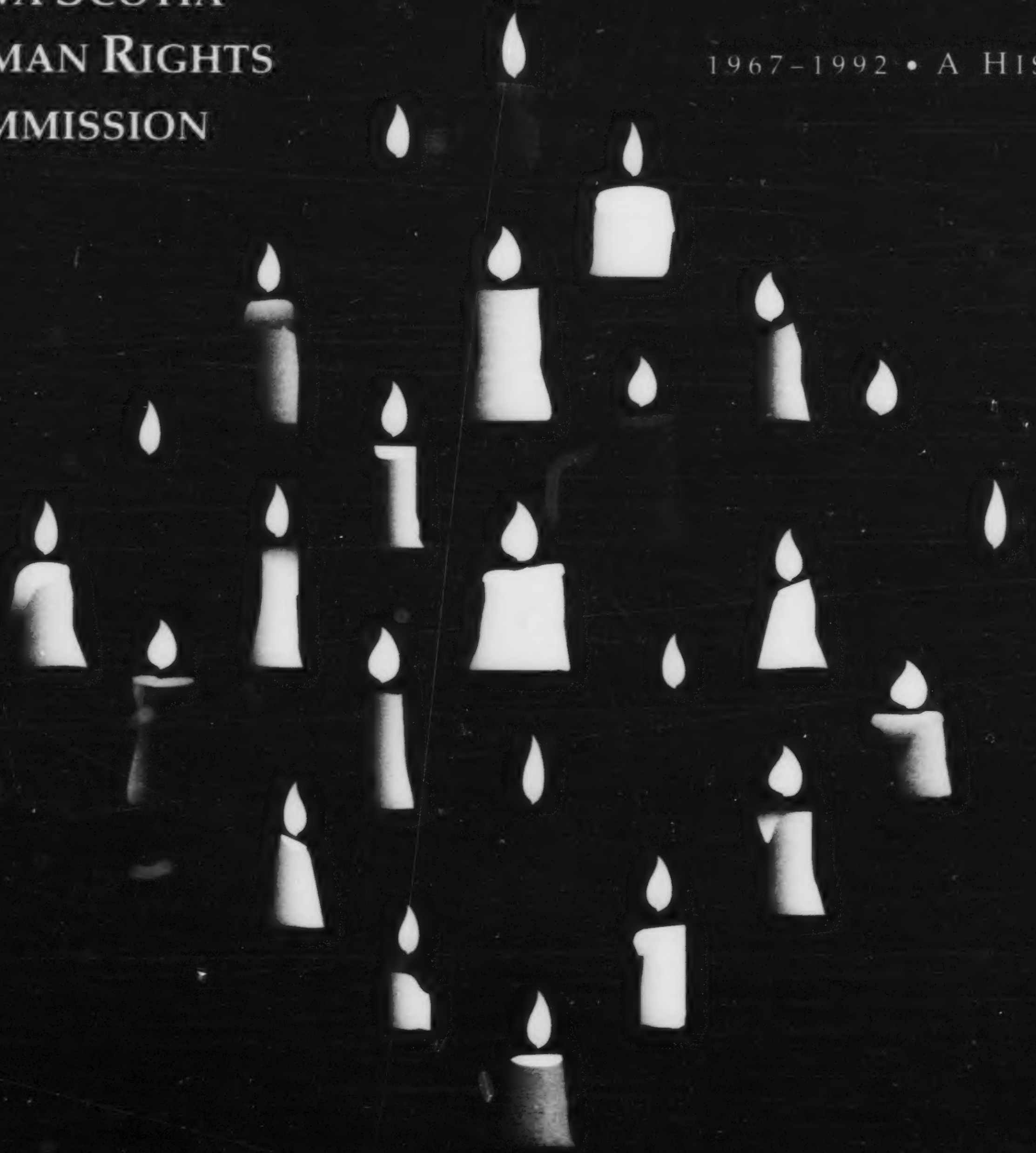
Nova Scotia Human Rights Commission

1967–1992 • A HIST



Edited and Compiled by Bridglal Pachai, Ph.D

NOVA SCOTIA HUMAN RIGHTS COMMISSION

25TH ANNIVERSARY

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1967-1992

A HISTORY

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ACKNOWLEDGEMENTS

This 25th anniversary project transcends celebration. It is a tribute to the twin pillars of human rights and services: partnership and cooperation. The more difficult the times and challenges the greater the need to invoke the strengths from partnership and cooperation. This project has benefitted from these strengths which it acknowledges most gratefully.

The President and Chief Executive Officer of the Nova Scotia Power Inc., Mr. Louis Comeau, agreed generously to support the arrangements and cost for the preparation of the material to the stage of print readiness. Mr. Garry Matthews, Personnel Services Manager, followed through with speed and thoroughness. His assignments to Carol Johnson and Susan Warr and to the many not known to the writer were fulfilled competently. The Human Rights Commission salutes the corporate spirit of Nova Scotia Power Inc.

The Commission is grateful to departments, agencies, institutions and individuals whose purchase of this book will contribute towards the recovery of printing costs. The donation received from the Nova Scotia Teachers Union in this regard to help defray printing costs is warmly acknowledged.

The contributors of the articles in this compilation are sincerely thanked for lending their support to prepare and present this record for posterity. One would have liked to include more but there comes a time to call it a day.

Internally, the members of the anniversary conference committee cooperated magnificently and much of the success of this and other projects is due to their input: Philippe Comeau, Lois Smith, Patricia Grosse, Denise Moore, and May Lui. Norma Williams left on secondment on July 6 and Reggie Newkirk resigned on July 10, 1992.

Each of us builds upon earlier foundations. This record of the life and times of the Nova Scotia Human Rights Commission from 1967 to 1992 is a testimony to the contribution of many individuals. May their examples inspire succeeding generations to carry forward the finest traditions of service to society and all its peoples. As Dr. Martin Luther King, Jr. said when receiving the Nobel Peace Prize in Oslo on December 10, 1964:

> ***"... when the years have rolled past and when the blazing light of truth is focused on this marvellous age in which we live, men and women will know and each will be taught that we have a finer land, a better people, a more noble civilization, because children of God were willing to suffer for righteousness' sake".***

Bridglal Pachai
Halifax, N.S., Canada, November 4, 1992

"Human Rights really begins in small places, close to home, so close and so small that they cannot be seen on any map of the world, yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

Eleanor Roosevelt

Vernon Simms, Runner for Human Rights September 1978.

OVERVIEW

GENESIS AND DEVELOPMENT OF THE NOVA SCOTIA HUMAN RIGHTS COMMISSION

[illegible] AND DEVELOPMENT [illegible] NOVA SCOTIA HUMAN RIGHTS COMMISSION

In 1962 under the leadership of Premier Robert Stanfield a provincial government Interdepartmental Committee was established to study the problems faced by minority groups and improve race relations within the Province of Nova Scotia. Through diligent efforts this Committee was instrumental in setting up the Education Fund for Negroes, clarifying land titles, promoting human rights concepts, and establishing fair labour practices. In 1965 a Social Development Division was established to work in the economically deprived communities of Nova Scotia which, in the initial phases, were mainly black communities. This Division concentrated its efforts in the areas of housing, employment, and education which resulted in substantive improvements to all areas. Although the Interdepartmental Committee and Social Development Division were formed, the need for Nova Scotia to establish a human rights commission became apparent in the latter part of the 1960's.

In 1967 a Human Rights Commission was established with jurisdiction in the areas of education and research. At this time the Commission was administered by the Minister of Public Welfare. In 1968, Mr. Marvin Schiff was appointed Coordinator and in 1969 as the first Director of the Nova Scotia Human Rights Commission. The original mandate of the Commission consisted of:

a) conducting research in the field of human rights;
b) encouraging research activities by universities and other bodies in the field of human rights;
c) coordinating the activities of various government departments as far as these activities concern human rights;
d) advising the government on suggestions, recommendations and requests made by private organizations;
e) developing a program of public information and education in the field of human rights; and
f) giving advice and doing research for any government department concerned with human rights problems.

The Nova Scotia Human Rights Act was passed in 1969 and incorporated the 1955 Fair Employment Practices Act, the Fair Accommodation Practices Act of 1959, the Human Rights Act of 1963, and the Human Rights Act of 1967. The Nova Scotia Human Rights Act was and continues to be applicable to both provincial government and non-governmental functions.

In an attempt to serve all Nova Scotians, regional offices were opened throughout the province: Digby, November 1971; Sydney, June 1972; Antigonish, March 1973 (now served by the Sydney office); and New Glasgow, September 1974. The central office was set up and remains in Halifax.

Many individuals dedicated time and energy to fulfilling the mandate of the Commission over the years. In addition to numerous staff persons, the Commission has had five Directors over the past twenty-five years. These Directors included Mr. Marvin Schiff (December 1968 - October 1971), Dr. George McCurdy (November 1971 - March 1983), Ms. Cathy MacNutt, Interim Director (April 1984 - January 1985), Dr. P. Anthony Johnstone (February 1985 - July 1989), and Dr. Bridglal Pachai (August 1989 - present).

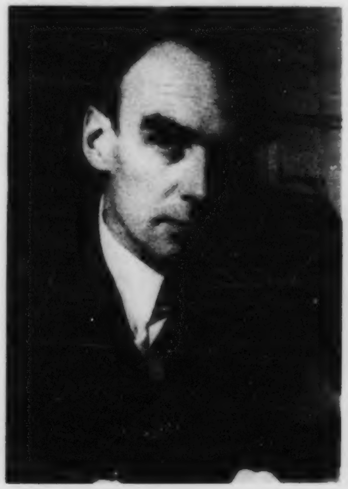
Throughout the past twenty-five years there have been three Chairpersons of the Board of Commissioners - Dr. Andrew MacKay (1967 - September 1986), Dr. Donald Curren (October 1986 - April 1990), and Dr. Kenneth Ozmon (May 1990 - present).

In 1992, the Commission staff consists of the Executive Director, Coordinator of Investigation and Compliance, Coordinator of Affirmative Action, Public Education Officer, Coordinator of Race Relations, Coordinator of Finance and Administration, Regional Supervisors, Human Rights Officers, Affirmative Action Officer, and support staff (clerical and secretarial).

The Human Rights Act is administered by the Commission which reports to a Minister of the Provincial Government (in 1992, the Hon. Joel R. Matheson, Q.C.) who is appointed by the Governor in Council. Over the past twenty-five years the Human Rights Act has been amended to keep up with the ever changing times of this province as follows:

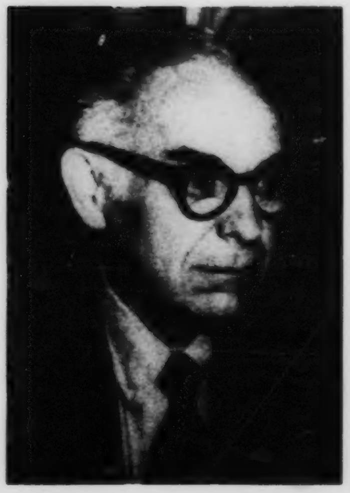
Race/colour	*1969*
Religion/creed	*1969*
Ethnic/National Origin	*1969*
Association	*1969*
Reprisal	*1969*
Physical Disability	*1971*
Sex (Gender)	*1972*
Marital Status	*1977*
Age	*1980*
Source of Income	*1982*
Mental Disability	*1986*
Sex (Pregnancy)	*1991*
Sex (Sexual Harassment)	*1991*
Aboriginal Origin	*1991*
Sexual Orientation	*1991*
Family Status	*1991*
Irrational Fear	*1991*
Political Belief, Affiliation or Activity	*1991*

PREMIERS OF THE PROVINCE OF NOVA SCOTIA 1967-1992



HON. ROBERT L. STANFIELD
1956-1967

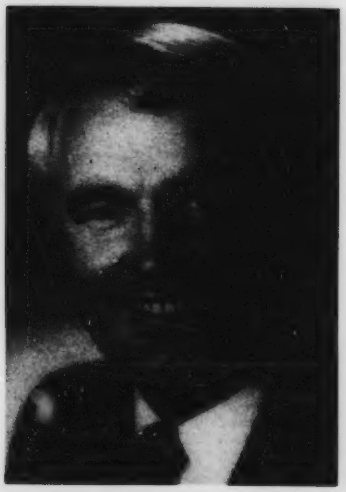
HON. GERALD A. REGAN
1970-1978



HON. GEORGE I. SMITH
1967-1970

HON. JOHN M. BUCHANAN
1978-1990

HON. ROGER S. BACON
1990-1991



HON. DONALD W. CAMERON
1991-DATE

NOVA SCOTIA HUMAN RIGHTS COMMISSION LIST OF MINISTERS 1968-1992

HON. JAMES M. HARDING
DECEMBER 6, 1968

HON. PERCY GAUM
SEPTEMBER 23, 1969

HON. D. SCOTT MACNUTT
OCTOBER 29, 1970

HON. J. WILLIAM GILLIS
NOVEMBER 25, 1971

HON. LEONARD L. PACE, Q.C.
FEBRUARY 16, 1976

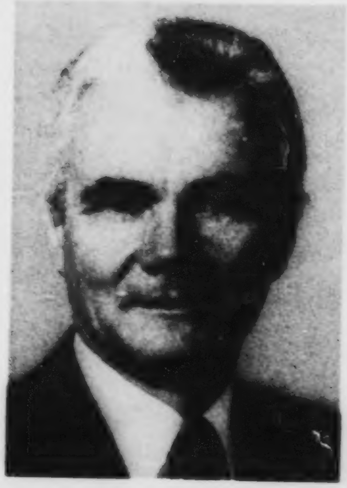
HON. ALLAN E. SULLIVAN, Q.C.
AUGUST 23, 1973

HON. GLENN S. ELLS
APRIL 24, 1978

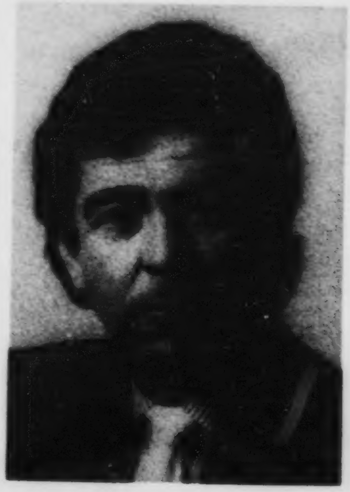
HON. KENNETH STREATCH
AUGUST 1, 1979

HON. RONALD GIFFIN
OCTOBER 5, 1978

HON. LAIRD STIRLING
DECEMBER 17, 1981



HON. JOEL R. MATHESON, Q.C.
NOVEMBER 7, 1990



HON. THOMAS J. McINNIS
NOVEMBER 24, 1987

Nova Scotia Human Rights Commission List of Commissioners 1967-1992

1. Dr. W. A. MacKay
2. Dr. F. R. MacKinnon
3. Mr. Arthur Levine
4. Mr. H. A. J. Wedderburn
5. Mr. J. Louis Robichaud
6. Rev. Robert W. Mumford
7. Dr. Barbara Clark
8. Mr. A. Gordon Archibald
9. Chief Roy Gould
10. Chief Noel Doucette
11. Mr. J. B. D'Entremont
12. Ms. Anita Dubinsky
13. Ms. Janet Rawding
14. Ms. Paula Cormier
15. Mr. Robert Chafe
16. Ms. Merle Whalley
17. Ms. Clara Cook
18. Mr. Ernest Surette
19. Mr. William J. C. Atton
20. Ms. Diane Ashworth
21. Mr. David Hill
22. Mr. George W. Davis, Q.C.
23. Ms. Margaret Crook
24. Ms. Betty Thomas
25. Mr. Aaron Solomon
26. Rev. Donald Thomas
27. Dr. Shiv Sharma
28. Mr. Thomas Rissesco*
29. Mr. Calvin Ruck*
30. Dr. Donald E. Curren
31. Dr. Margaret Swan*
32. Mr. Peter McCreath
33. Rev. Donald E. Fairfax*
34. Mr. Barkat Masih Khokhar
35. Mr. Michael W. Y. Ha
36. Ms. Michaelena Hickman
37. Rev. Donald Skeir
38. Prof. Wanda Thomas Bernard*
39. Mr. Daniel N. Paul*
40. Dr. Kenneth L. Ozmon*
41. Ms. Brenda Taylor
42. Dr. Oscar Wong*
43. Prof. Wayne MacKay
44. Mr. J. Edouard LeBlanc*
45. Sister Dorothy Moore*

** 25th Anniversary Year 1992*

Commissioners at a Public Forum in Dartmouth, Nova Scotia with Mayor John Savage, April 25, 1991. Back Row, L to R: Calvin Ruck, Dan Paul, Dr. John Savage, Rev. Donald Thomas, Dr. Oscar Wong. Front Row, L to R: Thomas Rissesco, Dr. Ken Ozmon, Dr. Bridglal Pachai, and Dr. Margaret Swan.

"I cannot forbear from recording a sweet reminiscence of how
human nature shows itself at its best in moments of trial.
We were marching towards Chievely Camp where Lieutenant
Roberts, the son of Lord Roberts, had received a mortal wound:
Our corps had the honour of carrying the body from the field.
It was a sultry day - the day of our march.
Everyone was thirsting for water. There was a tiny brook
on the way where we could slake our thirst. But who was to
drink first? We had proposed to come in after the tommies
had finished. But they would not begin first and urged us to do
so, and for a while a pleasant competition went
on for giving precedence to one another."

Mohandas Karamchand Gandhi

Human Rights Conference 1989. L to R: Hugh McKervill, Atlantic Regional Director, Canadian Human Rights Commission; Hon. Thomas J. McInnis, Dr. Donald Curren, Chair, NSHRC; Dr. Bridglal Pachai, Director of NSHRC.; Dr. Guy McLean, Ombudsman, Nova Scotia.

MESSAGES

HIS HONOUR, LLOYD R. CROUSE
HON. DONALD W. CAMERON
HON. JOEL R. MATHESON, Q.C.
DR. J. WILLIAM GILLIS, M.L.A.
MS. ALEXA MCDONOUGH, M.L.A.
JUSTICE ANDREW W. MACKAY
DR. DONALD E. CURREN, Q.C.
DR. KENNETH L. OZMON
MRS. CATHY MACNUTT

GOVERNMENT HOUSE
1451 BARRINGTON STREET
HALIFAX, NOVA SCOTIA
B3J 1Z2

Dear Friends,

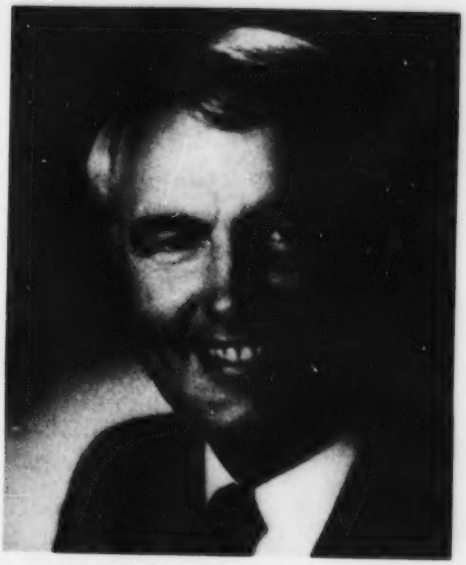
It is indeed a pleasure for me to bring greetings on the occasion of the 25th Anniversary of the Nova Scotia Human Rights Commission.

Since the establishment of the Commission in 1967, its members have worked diligently with and on behalf of citizens who feel the effects of discrimination in all its forms, with the ultimate goal of creating a more just society for everyone.

I extend heartiest congratulations to members of the Commission on this special occasion, and I urge all our citizens to actively work for the attainment of equal opportunity for all Nova Scotians.

Lloyd R Crouse

Lloyd R. Crouse
Lieutenant Governor
Province of Nova Scotia



THE PREMIER
HALIFAX, NOVA SCOTIA
B3J 1Z2

As Premier of Nova Scotia, it is an honour and a pleasure to congratulate the Nova Scotia Human Rights Commission on its 25th anniversary.

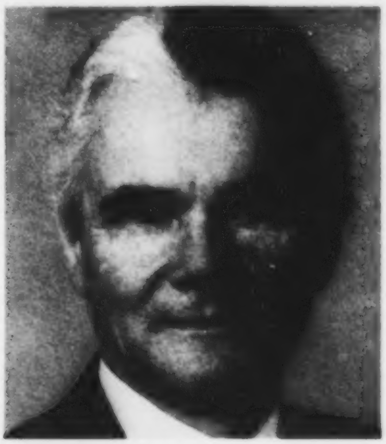
History has shown that societies are judged by how they protect and respect the rights of their individuals, regardless of race, religion, gender, physical condition or sexual preference.

Nova Scotians have benefitted over the past 25 years from countless numbers of people who have worked tirelessly to ensure that our society is judged positively. By helping the oppressed, they are in fact helping us all.

On behalf of the government and people of Nova Scotia, I salute the staff, past and present, of the Nova Scotia Human Rights Commission and the many others who have worked anonymously and without fanfare to make our province a better place in which to live.

Cameron

Donald W. Cameron
Premier
Province of Nova Scotia



Nova Scotia

Human Rights
Commission

I share with all Nova Scotians a great pride in the valued service that the Human Rights Commission has provided to our Province over the past 25 years.

Although much has been achieved there is ever so much more to be accomplished. Recent events in our Province have focused our attention on the great need for all of us to work together to effect change more rapidly. The elements of racism and discrimination are prevalent in our society and all communities must come together in a common purpose to eradicate this insidious problem.

It is time to concentrate our efforts to bring about attitudinal changes. We must demonstrate in a meaningful way, that there are new opportunities for our visible minority communities.

Societal change will not happen without the dedicated services of people representing all peoples of Nova Scotia acting in unison. We will not see the improvements we desire without personal and communal commitments. To this end the Human Rights Commission will continue to serve as a focal point of human activity towards an equitable society.

The example of service to our community as set by the staff and Board of the Commission over the years will serve well as an example to follow in the years ahead. Your strengthened mandate under the Human Rights Act, combined with strong support from Government and the community you serve, will ensure your continued success in the years ahead.

Congratulations on your 25 years of dedicated service. I know that you will successfully face the many challenges ahead and place our Province at the forefront of human rights and equal and equitable opportunity.

Joel R. Matheson, Q.C.
Minister Responsible for the
Administration of the Human Rights Act:

Nova Scotia

Leader of the Opposition

Congratulations on your 25th Anniversary.

In the past 25 years, the Human Rights Commission has made tremendous inroads with limited resources in the area of human rights.

I was the Minister responsible for the Human Rights Act (1971-73) not long after the Human Rights Commission was established, and I have seen its mandate increase considerably over the years. It is a credit to the dedication of the directors and staff.

You are involved in a most difficult task and one that is constantly subjected to public scrutiny. Our society and the world in general is unfolding in a more complex way. As the problems associated with human rights become more complex so does your job. No doubt the demands will continue to exceed the resources. To work within the complexities and limited resources will require expert skills and dedication. I am sure that you all will continue to do an admirable job. You have my respect and admiration.

Bill Gillis

William Gillis
Leader of the Opposition
Province of Nova Scotia

Editor's Note: Dr. John Savage was elected leader of the Nova Scotia Liberal Party June 20, 1992.

HOUSE OF ASSEMBLY
ASSEMBLEE LEGISLATIVE

People of many races, colours, creed and origins have lived and worked together in Nova Scotia for at least 400 years. Yet until 1967 provincial laws tended to regard discrimination and the lack of human rights as only a personal problem with individual solutions.

With the creation of the Human Rights Commission in 1967, the advancement of human rights was elevated to the level of a provincial concern - a responsibility shared by all of us.

Nova Scotians' understanding of human rights has kept growing, as has their commitment to freedom and equality, peace, justice and dignity for every human being. People have learned that systemic racism, sexism and other deeply entrenched discrimination require a systemic response.

Today, the Human Rights Commission is a critical partner in the research, education and action which are essential for each Nova Scotian to enjoy her or his human rights.

Congratulations on the achievements in the last 25 years, and much encouragement for the tremendous challenges that lie ahead.

Alexa McDonough
Leader of the New Democratic Party
Province of Nova Scotia

FIRST CHAIRPERSON

Twenty-five years in the life of the Nova Scotia Human Rights Commission provides an opportunity to reflect upon what has been accomplished and to note that much remains to be done in efforts to achieve the goals embraced in the Commission's slogan that "human rights is everybody's business".

When members were first appointed to the Commission in 1967, nearly two decades after the adoption of the United Nations Universal Declaration on Human Rights, it was a time of concern, especially for members of visible minority communities in Nova Scotia. That concern reflected their awareness of disadvantage and discrimination in a world where there was widespread attention to the difficulties arising from the civil rights movement in the United States, then under the dynamic and dramatic leadership of Dr. Martin Luther King, whose death the following year was a tragedy for all caring people. The concern reflected as well the widespread abhorrence about continuing repression of blacks and persons of colour under official apartheid laws and policies in South Africa. It also reflected renewed efforts of aboriginal peoples across Canada, and across the world, to gain a real measure of control over their own destinies, and the resurgence of modern resentment among many women of the limitations they encountered on their full participation in modern society.

The winds of change then blowing across the world respected no geographic borders and Nova Scotia was not isolated from them, a fact recognized by the Honourable Robert L. Stanfield throughout his years as premier of the province. His commitment to the cause of human rights and to change that would yield greater equality for all who call the province "home" was a very important factor in the beginnings of the Commission. That commitment has been reflected in the interest and sensitivity of those who followed him in office in the years when I was privileged to be chairman, Premiers Smith, Regan and Buchanan. This in turn insured that ministers responsible for administration of the *Human Rights Act* were also consistently sensitive to issues of human rights and to program initiatives of the Commission. That commitment and the preeminent stature of Dr. F.R. MacKinnon, a founding member of the Commission and then Deputy Minister of Social Services, led as well to regular and on-going cooperation by government departments with operating responsibilities closely related to human rights concerns.

When commissioners were first appointed in 1967, all were part-time, and the Commission's role was to advise government and to work with public and private sector agencies on policies and programs. Initially we had no staff and no mandate for dealing with complaints or for developing programs of the Commission itself. That quickly changed following the appointment of Marvin Schiff as the first director of human rights for the province, with standing as a deputy in the public service.

The first comprehensive human rights act was drafted and enacted by the legislature in 1969, based in substantial part on the Code then in force in Ontario. Yet there were differences of significance, particularly in the recognition of the role of the Commission to develop programs of affirmative action and approve similar programs by others, to assist disadvantaged minorities and to work with others in developing "a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights ...". From the beginning the *commissioners* received invaluable assistance from many persons across Canada already active in the field, especially from Dr. Daniel G. Hill, then Chairman of the Ontario Human Rights Commission. His advice was particularly helpful in establishing an emphasis on education from the very beginning in all aspects of the commission's work, including the investigation of complaints of discrimination. With his assistance, as staff were recruited training programs were initiated to insure that the Commission's investigatory process for dealing with complaints was thorough and credible.

Under the leadership of successive directors of human rights, Marvin Schiff, Dr. George McCurdy who came to Nova Scotia with an extraordinary background in dealing with human rights issues, Dr. Tony Johnstone and now Dr. Bridglal Pachai, the Commission has developed initiatives and programs that have often set the pace for others working in the field across Canada and elsewhere.

Regional offices of the commission were established in Digby, Sydney and New Glasgow. Community committees to promote local programming in human rights and to focus on local issues and concerns, were established by municipal, church and community organizations, with support from the commission, at a number of major centres across the province. With their support and in cooperation with school boards, a number of human rights programs have been organized within the province's schools, particularly at the junior high and elementary levels. In cooperation with the Department of Education, school text books were reviewed for possible discriminatory references, to note omission of references to minority groups, leading to the development of materials and programs to provide better balance than textbooks appeared to do. Affirmative action programs worked out by agreement between the Commission and numerous private and public sector employers were fostered particularly under the leadership of George McCurdy. Conferences on human rights, particularly with support from the Nova Scotia Federation of Labour and employers, were developed. An annual program was fostered to mark the anniversary of the Universal Declaration of Human Rights on or about December 10 and each year the emphasis of that program has been on issues of current concern and interest. Often that event has been associated with a larger provincial conference. The Commission, largely through its Director, has played an important part over the years in national and regional conferences, in the work of interprovincial and national committees, in the Canadian Association of Statutory Human Rights Agencies and in its North American counterpart.

I acknowledge the great dedication of successive directors and of the staff who have served the Commission in the cause of human rights in Nova Scotia, and of the members of the Commission I was privileged to serve with over the years. A small but dedicated group, we were never reluctant to ask others to assist our causes and we were seldom, if ever, disappointed when we did ask. The goals of the Commission have been fostered by thousands of Nova Scotians and by organizations too numerous to mention that have participated with the Commission in a host of activities and a variety of programs.

Despite all that has been done, and I believe much has been accomplished, inequality in opportunities, and discrimination in practice, often arising in ignorance, continue to persist. It is a factor of the human experience that important social goals, particularly those depending on attitudinal change, are achieved only over time. I believe that circumstances today are better than they were 25 years ago for most people in society. Yet, in part because of this, the expectations of those who still face inequality and discrimination are now greater than they once were, and there is impatience that these conditions should continue to persist.

That impatience, and the recognition by those of us who do not face those handicaps that it is unfair and simply wrong that too many of our fellow citizens do, must lead to our rededication to eliminate inequality and discrimination in our own lifetimes and in our communities. Only then can we relax and say with confidence that, indeed, human rights is everybody's business.

The Honourable Mr. Justice W. Andrew MacKay
First Chairperson

SECOND CHAIRPERSON

I was approached to chair the Nova Scotia Human Rights Commission in September, 1986, and, needless to say, I was somewhat surprised to be asked to take on this responsibility. My first reaction (and response) was to say "no thanks" but after the Honourable Laird Stirling, then Minister responsible for the Administration of the Human Rights Act, sold me on taking on the task, I went along with it, and was named as Chairman on November 4, 1986 for a period of three years. I am glad I did, and hope that I contributed something to the process of furthering human rights in Nova Scotia.

It turned out to be quite a transitional period for the Commission for, during that time, Dr. Anthony-Johnstone, Executive Director, was overtaken by cancer at the beginning of July 1989 and died at the end of that month. Mr. Kathir Jeganathan took ill in England in June of 1988. His ailment turned out to be a severe attack of Gillian-Barre Syndrome which, unfortunately, rendered him quadraplegic and resulted in his death in February of 1990.

Dr. Johnstone was succeeded by Dr. Bridglal Pachai, the Executive Director of the Black Cultural Centre for Nova Scotia. Dr. Pachai's coming has been very positive for the Commission and he has already left his mark on this body.

It is now over two years since I retired as Chairman at the end of March 1990. It was a most interesting period of my life and I was pleased to meet and make friends with the staff members of the Commission, all of whom seemed possessed of a strong desire to make Nova Scotia a better place to live in.

Dr. Donald E. Curren, C.M., Q.C.
Second Chairperson

THIRD CHAIRPERSON

Although there have only been three chairpersons of the Nova Scotia Human Rights Commission during its first quarter-century, the latest one has served for less than two years. Thus, my impressions span only a relatively short time in the life of the Commission.

Be that as it may, it has been a very eventful time, and a number of things have left memories.

My foremost impression is of the knowledge and dedication of the Commission's staff. They are informed, concerned and caring — three qualities which assure that the people of Nova Scotia, on whose behalf they work, are in good hands.

The commitment of politicians and public servants to the promotion of human rights has been a gratifying impression, as evidenced this past year by major changes in the Human Rights Act. These changes not only broaden the Act's protective scope, but will make the inquiry process more objective and fair and, we hope, more speedy.

Commissioners themselves are representatives of a cross section of the Nova Scotian community, but each of them takes her and his responsibilities very seriously. I have been impressed and touched by their genuine commitment to protecting and promoting the human rights of their fellow citizens, and by their willingness to make tough decisions and stick by them.

One of the things I hope will stand out in the minds of the public from my short but eventful first year will be the groundbreaking stance the Commission took with its decision to interpret sex discrimination based upon sexual orientation. This was a bold step at the time, and one which led later to a change in the Act.

The Pandora decision will no doubt remain a memorable one for sometime, not so much because the Commission lost its case, but as a result of controversy which ensued from the hearings themselves.

In the end, what has impressed me most is what all but a few people are unaware — thousands of hours which are dedicated to the day-to-day work of the Commission; things such as school assemblies, training sessions with public and private sector workers, affirmative action agreements requiring hours of review and negotiation, complaint investigation, conciliation, mediation, settlements — daily activities, large and small, in the cause of human rights.

The work in the trenches is very gratifying when a genuine apology is put in place to eliminate discriminatory practices, very disappointing when intransigence perpetuates stereotypes and promotes bigotry.

People stand out, such as Carrie Best, Noel Knockwood and Fred MacKinnon — honoured in 1991 for their work in advancing the rights of their fellow Nova Scotians. They stand out during my term as chairperson, not only for what they have done during my time, for their work and dedication spans the lifetimes of many Nova Scotians. They are revered because they are models for what we all aspire to be — persons dedicated to ensuring that all Nova Scotians have only to be known by that designation in order to participate fully and freely in the life of our province.

As you can see, a short time as chairperson can be long on impressions — and memories.

Dr. Kenneth L. Ozmon
Third Chairperson

INTERIM DIRECTOR

Being appointed Acting Executive Director for the period April, 1984 to January, 1985 presented a rare opportunity for me to understand the subtleties and concerns associated with work in the field of human rights. The Government chose to appoint an interim Director to oversee the administration of the Commission after Dr. McCurdy retired. George McCurdy had nurtured the organization from its beginnings. The ten month delay in the appointment of a permanent Executive Director allowed for a time of reflection before a new head brought changes and new directions to the organization.

My time with the Commission provided me with an insight and understanding of discriminatory situations that has served me in my work as Deputy Minister, Women's Directorate.

It is important that a woman has had a term, even a brief term, as head of the Commission. I am glad to have been that woman. There is enormous pressure from the many groups that are denied economic and social opportunity to have their needs addressed. It is crucial that the Commission on Human Rights itself portray evenness of mind to the public.

The patient resolve of the staff and support organizations to address the many sources and targets of discrimination; their commitment to the difficult and at times seemingly insurmountable task, to change attitudes, is what I remember about my time at the Human Rights Commission.

The most memorable incidents were those associated with the awareness activities in the schools; the emphasis on teaching children the fundamental tenets of fairness and respect for others, and their true understanding of what is right and just, is the firm foundation for the making of fair-minded adults.

Ms. Cathy MacNutt
Interim Director: 1984
(Presently Deputy Minister, Department of Health)

"Every policy emerges from a certain context, and in Canadian history the context for race relations policy shifted dramatically at the time of World War II... The intended result is that policy-makers and analysts will incorporate the historical dimensions, and will be aware of the legacies of the past which are operating in the lives of Canadians and influencing the range of policy choices believed to be available"

Professor James W. St. G. Walker

Human Rights Conference 1989.
L to R:
Hon. Thomas J. McInnis, Father Leo Trainor, Chair P.E.I Human Rights Commission; Dr. Miriam Yu, Professor of Education, St. John's, Newfoundland; Commissioner Michael Ha (background); Dr. Bridglal Pachai, Director, NSHRC.

HISTORICAL CONTEXT

EDITORIAL INTRODUCTION
ANNIVERSARY LAUNCHING
THE EARLY YEARS
AT THE ONSET
EQUALITY OF OPPORTUNITY
THE DEVELOPMENT OF HUMAN RIGHTS IN NOVA SCOTIA
THE IRON HAND IN THE VELVET GLOVE
PROVING DISCRIMINATION IN BOARDS OF INQUIRY

PROTECTION, EMPOWERMENT AND EDUCATION

DR. BRIDGLAL PACHAI

Anniversaries are a time for reflection and renewal. The 25th Anniversary of the Nova Scotia Human Rights Commission provides such an opportunity.

When the Commission was established in 1967 it was a culmination of influences and events at various levels: international, national and local. Internationally, the United Nations had established the Commission on Human Rights in 1946. The first task of this Commission was to prepare the Universal Declaration of Human Rights which was unanimously adopted by 48 states in Paris on December 10, 1948. In the succeeding years this Declaration became the foundation for numerous international and regional human rights treaties, human rights guarantees in constitutions, conventions, codes and instruments.

What this Declaration spearheaded was truly remarkable. While its message was universal, the emphasis was less so. The western world, led by the United States, stressed civil and political rights while the Eastern Bloc countries, led by the U.S.S.R., and most Third World countries favoured the inclusion of economic, social and cultural rights. It took the Commission on Human Rights sixteen years (1948-1966) to work out compromise treaties for nation states to ratify if they so chose and thus be bound to uphold their obligations on all these five areas (civil, political, economic, social and cultural). In the end, two treaties were worked out. The first was the International Covenant on Civil and Political Rights and the second was the International Covenant on Economic, Social and Political Rights. It took another ten years before these covenants were ratified by the requisite number of nation states.

There are lessons to be learned from these external events and Canada's involvement. While Canada has just cause to be proud of the role played by its own Professor John P. Humphrey in the drafting of the Universal Declaration of Human Rights it is necessary to be reminded that there was an ambivalence at the crucial hour which has remained unexplained:

"A symbol of Canadian hesitancy appeared when the General Assembly of the United Nations brought the Universal Declaration of Human Rights into being. In choosing to abstain on the vote in the Assembly's Third Committee, Canada became notorious for joining a number of blatant human rights violators ... Canada is the only state whose reason for abstaining in the Third Committee is still a mystery ... Regardless, the minds of Canada's representatives at the Paris meeting of the UN General Assembly on December 10, 1948 were not with the majority of states as far as any commitment to human rights was concerned."

It is important for reflection and renewal that our strengths and weaknesses, our acts of commission and omission, be openly recognized and discussed. On the contemporary scene in 1992, Canada is in the depths of a critical review of its own internal direction in all five areas of the United Nations concerns since 1946: civil, political, economic, social and cultural. While respect and regard for international obligations should always be upheld, anything less for national and local obligations will be seriously damaging and demoralizing.

There were very good reasons, beyond international influences and events, on the national scene for the introduction and development of human rights jurisdictions. Discrimination in Canada by governments and by the general membership of the privileged and the powerful is as old as the history of colonialism in both its informal and formal aspects. These are well documented in studies which should form the foundations of educational and remedial work on race relations, cross-cultural understanding and human rights. Progress and public policy do not develop constructively in a vacuum. The past informs the present and, together, they shape and influence the future.

Treatment of slaves and their descendants, Chinese, Sikhs, Japanese and other non-white immigrants, members of certain religious and language groups, inferior position of women, denial of services and facilities to non-white persons, are well document in Canadian jurisprudence, notably by Tarnopolsky and Pentney. At the end of the review, these distinguished authors argue that one had to look beyond the decisions of the courts "for any inspiration in attempting to achieve an egalitarian society". It is in this context, then, that the next steps were taken to combat discrimination and to work systematically towards the creation of an egalitarian society. This next step was up to the legislatures: "It is no wonder, then, that the legislatures, with no aid from the judiciary, had to move into the field and start to enact anti-discrimination legislation, the administration and application of which have largely been taken out of the courts".

What is significant in this new development is the emphasis on the victims of discrimination. While every member of society may be accorded constitutional protection of civil and political rights, human rights guarantees requires special protection. In the words of Tarnopolsky, "Egalitarian civil liberties or human rights are somewhat different ... in that they require positive legislative support for their existence." Examples of such anti-discrimination laws are The Insurance Act (Ontario, 1932, protecting race or religion of the insured); Unemployment Relief Act (B.C., 1931, protection of political affiliation - later amendments included race or religious views); Libel Act (Manitoba, 1934, protection of race or creed); Racial Discrimination Act (Ontario, 1944, protection against race or religious discrimination in publications, signs, symbols) and the Saskatchewan Bill of Rights (1947).

These anti-discrimination laws were all part of the criminal justice system, enforced by fines and imprisonment through the regular enforcement machinery of the police and the courts. There was then no special government agency like Human Rights Commissions which came into existence in Canada since 1961 with the establishment of the Ontario Human Rights Commission.

Some critics of the performance of human rights commissions, in their understandable despair and frustration of backlogs and decisions, call for the "criminalizing" of human rights violations, procedures and provisions. The answer to such despair and frustration is not to turn the clock backwards. The criminal process was tried once. It failed, and in its place the administrative system of human rights agencies was created and has been in existence in Canada since 1961. While it is timely to analyze the failures and the successes of the new system thirty years later, and to revise and revitalize the system through improvements in procedures and performance, this cannot be achieved by turning the clock backwards. The old system failed, and it is important to recall why before turning to an analysis of the one that replaced it. In the words of Tarnapolsky:

"The experience in the United States in the twentieth century and in Canada since World War II has been that this form of protection, although better than none, is subject to a number of weaknesses. There is reluctance on the part of the victim of discrimination to initiate the criminal action. There are all the difficulties of proving the offence beyond a reasonable doubt, and it is extremely difficult to prove that a person has not been denied access for some reason other than a discriminatory one. There is reluctance on the part of the judiciary to convict, probably based upon a feeling that a discriminatory act is not really in the nature of a criminal act. Without extensive publicity and promotion, many people are unaware of the fact that such human rights legislation exists. Members of minority groups who have known discrimination in the past tend to be somewhat sceptical as to whether the legislation is anything more than a sop to the conscience of the majority. Finally, the sanction in the form of a fine does not really help the person discriminated against in obtaining a job or home or service in a restaurant."

The model upon which the new system of human rights commissions was created was copied from the scheme introduced in the state of New York in 1945 to combat discriminatory practices in employment and accommodation. This scheme provided for the investigation and conciliation of complaints, for the setting up of boards of inquiry where conciliation failed and only in the last resort for prosecution and sanctions (fines and imprisonment). What followed in Canada in general and Nova Scotia in particular are the subject of articles reproduced in this publication, written at different times during the twenty-five year period of the existence of the Nova Scotia Human Rights Commission, by Andrew W. MacKay, first Chair of the Commission, and Calvin W. Ruck, one-time Human Rights Officer and later Commissioner and Vice-Chair of the Commission.

The background information in these articles bring up the local Nova Scotia scene in the 1950's and 1960's. The post-World War II period presented opportunities and challenges for the creation of a new social and political order based on the principles of self-determination enunciated in the Atlantic Charter of 1941 and of justice in the United Nations Charter of 1945. In Nova Scotia, these opportunities and challenges applied to many for Nova Scotia is home to the Micmacs, the Acadians, the Blacks, the Scots, the English, the Irish, the Germans, the Dutch, the newer immigrants from Europe, Asia, North America and Africa. The arrival, settlement and experiences of all these people are documented in such studies as *Banked-Fires. The Ethnics of Nova Scotia*, edited by Douglas F. Campbell and, for example, in the various volumes produced by Four East Publishers.

When the first Inter-Departmental Committee was set up in 1962 and the first Human Rights Act appeared in Nova Scotia in 1963, followed by the establishment of the Nova Scotia Human Rights Commission in 1967, these developments were the responses to the contemporary issues, challenges and priorities of the times. This publication is fortunate to include contributions and recollections from three principal persons closely involved in these developments: the Honourable Robert L. Stanfield, Premier of Nova Scotia; Dr. Fred F. MacKinnon, Deputy Minister of Social Welfare and Secretary of the Inter-Departmental Committee; and Mr. Marvin Schiff, first Co-ordinator and first Executive Director of the Nova Scotia Human Rights Commission.

The various other contributions: messages, contributions by human rights lawyers on developments in the sixties and seventies, speeches presented to workshops and conferences, articles prepared for this publication by heads of divisions, regional supervisors and regional offices, provide insights and highlights which this publication receives and presents with deep appreciation and gratitude. Twenty-five years in the life of an institution bearing a provincial imprint, carrying a provincial responsibility of serving the entire population, is indeed a time to recognize and applaud all the great number of officials, individuals and colleagues who, in different ways, recorded and unrecorded, public and private, sung and unsung, helped the Human Rights Commission carry out its functions.

This publication conveys the gratitude of the Commission to the Premiers of over a quarter century, to the Ministers who headed the Commission through the portfolios entrusted to them, to the politicians and the public in their entirety for their gracious support, to the three deputy heads of the Commission who preceded me in their capacities as Executive Directors, to the one incumbent who held this position in an interim capacity, to the three Chairs in the twenty-five year period of the Commission, to the many commissioners who served a public duty and made way for the others who continue to serve, to the many members of the Commission staff, past and present, whose services and contribution deserve sincere recognition. This publication provides some information on a few of the above, restricted only by considerations of time, space and costs. Please bear with our omissions.

There is no question that the next 25 years must build upon the first 25 years. The popular persuasion during depressed and depressing economic times is to do more with less. There is no argument for the Commission not to do more and not to continue to do so competently. These are challenges that the Commission accepts. In return, the Commission will properly plead for adequate resources to achieve speedier results, to minimize the telling effects of wear and tear on its own human resources. Victims of discrimination suffer traumatic experiences and to deal with them requires extreme care, understanding and compassion. On the other end of the scale are those whose actions, however motivated, create situations that lead to complaints of alleged discrimination. They need help, too, to effect changes in attitude and behaviour. A Human Rights Commission has the awesome responsibility of promoting the conditions for the existence of an egalitarian society based on the recognition of the dignity, worth and needs of every human person. Thus, while complaints against discrimination are received, investigated, conciliated, adjudicated by boards of inquiry, public education and information must be made available on a wide scale, human relations must be advanced and promoted, affirmative action principles and programs must be widely disseminated, human rights jurisprudence and issues must be researched and developed.

The promotion of human rights and responsibilities must rank high on the public agenda for the next 25 years and beyond. When other resources decline, human resources can be relied upon to salvage humankind. In the meantime, the bane of discrimination must continue to be tackled through the instruments of the constitutional "shield" and the legislative "sword" - to borrow the words of Dean W.F. Bowker in his address to the Canadian Bar Association in 1953. To these two instruments must be added a third, the educational tool, packaging and presenting strategies for attitudinal and behavioral change. A "shield", a "sword" and a "classroom": **protection, empowerment** and **education**. Not much to ask to serve the many in the heightened and exciting climate of rising expectations as humankind marches towards and into the 21st century.

Dr. Bridglal Pachai addressing the Halifax Rotary Club, February 25, 1992.

PROVINCE HOUSE,
RED CHAMBER,
DECEMBER 10, 1991

RT. HONOURABLE
ROBERT L. STANFIELD

I am proud to be invited here this morning to speak about the establishment of the Interdepartmental Committee on Human Rights in 1962 by the Government of Nova Scotia. As Premier at that time I should emphasize that while that committee was to have jurisdiction in the broad area of human rights, the primary motive for its establishment was to increase actively the opportunities of black Nova Scotians.

In the early 1960's it was apparent that black Nova Scotians were less equal than whites. The relatively poor housing, inadequate educational accomplishments, and fewer employment opportunities of black Nova Scotians had existed so long they were generally taken for granted. Clearly, a strong and prolonged effort would be necessary to improve these conditions. More jobs generally in the province would help but would not be enough in themselves.

There would have been no excuse for me to have neglected this challenge. I had grown up in Truro with black children, going to school with them and finding nearly all of them dropping out of school after a few years. They continued to be part of my life in the ball field and on the frozen marshes, where I enjoyed their friendship and admired their athletic skills. But only one of my black classmates finished high school; the Minister's son. Only one of the older black young people I knew went to college. It was easy to say that our schools were available to all. That was true and it was admirable, as far as it went. But education is not valued, if it is not seen to open the same opportunities for a black as for a white person, then going to school may not seem to have much point for a Black. One could not seriously pretend that Blacks generally had the same employment opportunities as white Nova Scotians. They were caught in a vicious cycle. I do not pretend to have seen this as a kid in Truro, but it was apparent enough from the office of the Premier.

The other members of the government, having backgrounds similar to mine, agreed that we should try to break this cycle of low incomes, poor housing, school drop out and low paying jobs. This was about the same time as the Dalhousie study which found considerable de facto segregation of blacks. W.S.K. Jones, M.L.A. for Queen's County, and Speaker of the House of Assembly before the election of 1960, had entered the government following that election. We asked him to work out an attack on these problems. Early on he reported that immediate progress could be made by persuading employers, including departments of government, to make greater efforts to hire blacks. But he concluded that a real solution would require much more education among blacks, and that this would require recognition that education was basic to their progress; recognition that the home must support the school by providing encouragement and a good environment for study. This was not a matter of preaching at Blacks, but working with them. It quickly became clear that a successful program would have many facets. Hence the proposal of the interdepartmental committee to work out methods and stay on top of the whole effort. The committee was to be chaired by the Minister of Welfare; eventually every deputy minister was to sit on the committee.

Such a committee seemed to the government to be a good approach to a complex problem. Clearly more than a declaration of equality was required. More than the passage of laws against discrimination would be necessary before Blacks achieved real equality and clearly years of concerted effort would be necessary.

I do not wish to suggest that governmental interest in the plight of the black Nova Scotians commenced in the 1960's. I mean simply that in the 1960's the inequality was great and that the interdepartmental committee seemed a good vehicle for stimulating and coordinating a drive to overcome the problem. The committee commissioned research, it supported programs of public education, legislative initiatives were taken. A new division of social development was established in the Department of Welfare. I had great hopes for constant, steady improvement in the opportunities of black Nova Scotians, although I realized they would take time.

As is evident today, nearly 30 years later, much remains to be done. I suggest, however, that the moral of this is not to accept defeat but to persist and to increase our efforts.

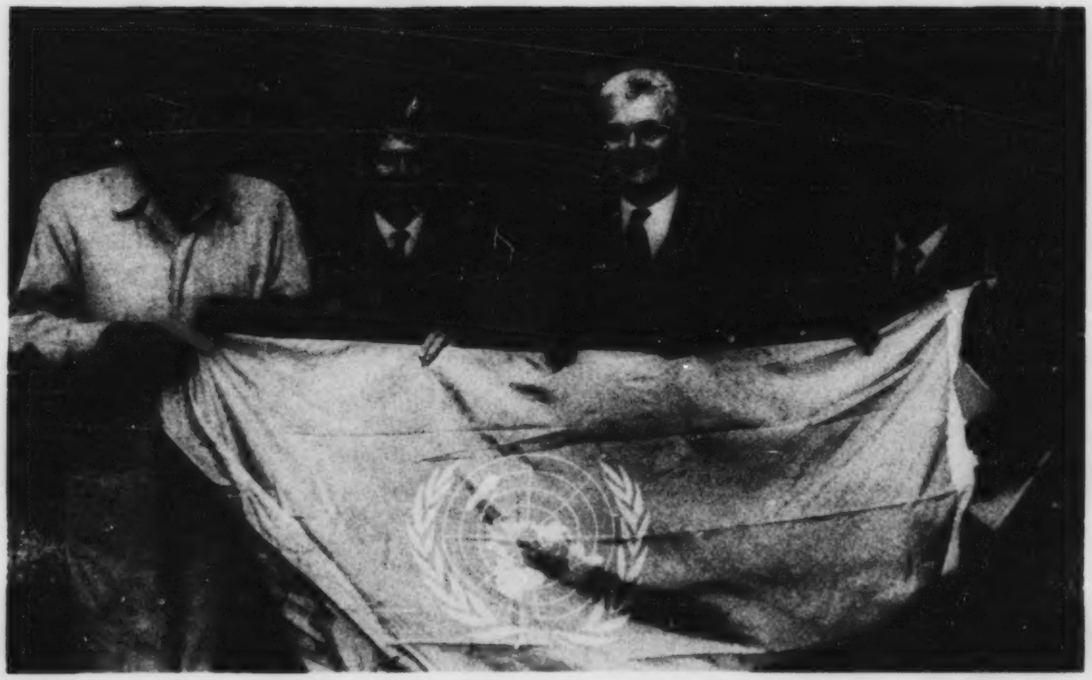
While I have been speaking of the opportunities and the rights of black Nova Scotians it is clear that anything I have said applies throughout the whole range of human rights. If you ask me why we did not concern ourselves equally with the plight of the Native people of Nova Scotia, they were in the jurisdiction of the Government of Canada. We did not have much understanding of our Native people and thought we would be intruding in a field we did not understand. It is clear now we ought to have taken part.

Reflecting for a moment on the nature of human rights, I would like to emphasize that what we consider a human right embodies as much our view of our community as our view of the individual as such. We value human rights not just because our legislatures and courts define the rights of individuals, but because Nova Scotians and Canadians believe certain human values should be respected. We should think of these human values as community values and not simply as individual rights. We have chosen to define them as individual rights, but we could have defined them in terms of community obligations.

Indeed, if we do not think of the protection of these values as community obligations, we may become passive as citizens, leaving it to governments and to courts to enforce human rights, where these human values we have described as rights will in fact only be generally respected if we all actively support these values.

Another danger in thinking in terms of individual rights rather than community values is that we may as individuals push our claims of rights beyond fundamental human values and develop a rights complex, emphasizing what we claim a right to as individuals and neglecting duties that we owe to other citizens. I sometimes think I see that taking place today. As individuals we cannot define what the community owes to us. This is a matter of community values, what the community is prepared to accept as community obligations. We may define this in terms of human rights, as we have, but these values achieve reality through being accepted actively in the community as human obligations.

Right Honourable Robert L. Stanfield. Launching 25th Anniversary Celebrations December 10, 1991.



Flag Raising December 10, 1991, Province House, Halifax, Nova Scotia. Right Honourable Robert L. Stanfield, Dr. Kenneth L. Ozmon, Chair; Honourable Joel R. Matheson, Q.C., Minister; Dr. Bridglal Pachai, Director.

Anniversary Launching Celebrations at Province House December 10, 1991. L to R. Dr. Bridglal Pachai, Honourable Joel R. Matheson, Q.C.; Dr. Carrie M. Best, C.M., Mr. Noel Knockwood, Right Honourable Robert L. Stanfield, Dr. Fred R. MacKinnon, and Dr. Kenneth L. Ozmon.

FRED R. MACKINNON

I have been persuaded by Dr. Bridglal Pachai, the Director of the Nova Scotia Human Rights Commission, to reflect on the sequence of events leading up to the formation of the Commission and its early history up to 1971 when Dr. George McCurdy became the second Executive Director succeeding Marvin Schiff.

It is difficult to be detached and objective when one has been personally and directly involved in the day to day flow of events that shaped decisions and policies. I find myself in that position in recalling the events leading up to the establishment of the Human Rights Commission and its early years.

The first direct intervention of the Provincial Government in improving the lot of ethnic minorities was the appointment of Reverend Dr. William Pearly Oliver in 1945 in the Adult Education Division of the Department of Education. Dr. Oliver first became involved on a voluntary basis in 1940 when he worked part time with Guy Henson, the Director of Adult Education for the Province. Then in 1945 he was formally appointed on a half time basis and in 1961 he accepted a full time permanent appointment. Dr.Oliver did yeoman service in these early years in organizing and promoting self-help in the black communities of the Province but, even more importantly, he did much to advance public support and understanding in and out of government in respect to the social and economic plight of Blacks.

I was appointed Deputy Minister of Public Welfare on April 1, 1959. Shortly after, I received a letter from the Premier, Honourable Robert L. Stanfield, expressing his concern about the social and economic problems facing black communities in the Province. The letter was jointly addressed to Dr. Hardy Moffatt, the Deputy Minister of Education, and myself. After serving more than twenty years in the Welfare Department I was in a position where constructive and creative directions could be vigorously pursued. Like Wordsworth said so well, "Bliss was it in that dawn to be alive, but to be young was very heaven."

It became evident to me as early as 1960 that one of the most serious shortcomings of government was the lack of interdepartmental cooperation at the ministerial level and indeed throughout every aspect of interdepartmental relationships. As government became more and more involved in social and economic issues affecting individuals, families and communities, these problems of interdepartmental communication and cooperation were becoming more serious and damaging to innovative and effective programs. This is still true thirty years later and the needs and issues remain much the same except that the "no growth" condition affecting all departments and levels of government, due to budgetary shortfalls, has somewhat lessened the seriousness and adverse affect of inadequate interdepartmental communication and cooperation.

It was also evident that the needs of Nova Scotia's black communities and other ethnic minorities were in the area of jobs, housing and education. Thus at least three government departments were required to work cooperatively together if there was to be any hope of making a dent in the social and economic road blocks facing Nova Scotia's Blacks.

As a direct result of this thinking the Provincial Government established the Interdepartmental Committee on Human Rights in 1962. Hon. W. S. Kennedy Jones was Provincial Secretary and Minister of Public Welfare at the time and he became Chairman of the Committee. The members of the

Committee were the Premier as Minister of Education, the Ministers of Public Health, Public Welfare, Labour and the Provincial Secretary. The Deputy Ministers of Education, Health, Welfare, Agriculture and Labour and the Deputy Attorney General were also members. There was no Department of Housing so the Chairman of the Nova Scotia Housing Commission was a member. Dr. Oliver attended the meetings by virtue of his position in the Adult Education Division of the Department of Education.

The terms of reference for the Committee were:

1. To give immediate attention to the problems of the Negro in Nova Scotia.
2. To review existing provincial services and legal responsibilities in respect to all minority groups, including Negroes, and make recommendations as to how such services may be more effectively rendered for the benefit of these minority groups and how existing legal responsibilities may better be discharged.
3. To make recommendations regarding problems which may be undertaken: (a) to improve race relations in the Province; (b) by educational authorities, business, industry, trade unions, press, radio, television, service clubs and government - provincial and local - to promote freedom and equality of opportunity for all persons without regard to race, creed, nationality, ancestry or place of origin.

In announcing the formation of the Committee, Premier Stanfield stated:

"Nova Scotia has the largest Negro population of any Province in Canada, our 13,000 colored persons comprising more than half the total Negro population of the country.

World-wide concern about racial problems, not only of the Negro but of other colored1 races, has focused public interest on the economic and social condition of many of our Negro population in Nova Scotia. It is good that we should be concerned about discrimination against colored persons wherever this occurs in other parts of the world, but it is even more urgent that we should be aware of injustices if they affect colored persons of our own Province.

Neither legislation nor the enforcement of legislation can by themselves solve the problem. The most effective and commendable efforts are those having their roots in the community with citizens who are concerned about the welfare of their fellow man and who back this concern up with individual and group action.

The example of one employer who goes out of his way to hire a promising colored person is far-reaching. Similarly in matters of housing and accommodation, the good example shown by sincere and concerned citizens in making rooms and housing available, and taking a stand against segregation, is of the greatest value. Other examples might be mentioned, of efforts by organizations, societies and churches to help, and all are commendable.

While the primary concern of the Committee will be directed towards improving the lot of our Negro population, its responsibility will be much broader. First and foremost the Committee will be expected to study and make recommendations as to how the fundamental rights of every citizen may be made secure, regardless of race, creed, color, nationality, ancestry, or place of origin.

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* *The words "Negro" and "colored" are used here because these are verbatim copies of the documents.*

With rights go responsibilities, and the Committee will be requested to look carefully at the situation in Nova Scotia and make continuing recommendations as to how minority groups such as our Negro citizens may be helped to make their maximum contribution for the good of the whole community.

Progress has been made, but much remains to be done. It should be our aim to wipe out all those areas of prejudice in our community life which hamper and obstruct all our citizens from doing their best. With the support and cooperation of our educational authorities, the churches, the leaders of business and industry, labour groups, health and welfare officials, service clubs, press, radio, television, and other interested community organizations, we can confidently look forward to achieving this goal."

I became secretary of the Committee as Deputy Minister of Public Welfare. The Premier made it clear to the Chairman, the Hon. Mr. Jones and me that meetings were to be called only at such times as he was able to attend. The result was that no departmental deputy head could afford to ignore the meetings or find some excuse to treat them as a low priority. The Interdepartmental Committee, unlike so many of its kind, thus became an effective instrument in promoting interdepartmental cooperation aimed at achieving specific goals and objectives. Simply stated we were mandated by the Premier to improve the social and economic lot of Blacks in the Province.

Premier Stanfield, speaking on Human Rights Day, December 10, 1962, had this to say about the problems facing Blacks in Nova Scotia.

"It will not be easy to find solutions to problems affecting certain segments of our population which have been more than 200 years in the making. But great as these problems may be, their magnitude must not deter us from making a beginning. Progress will be slow and will depend very largely on the cooperation of all our citizens. We must remember that the social and economic problems of minority groups, who for one reason or another are not enabled to occupy their rightful place in the community, adversely affect all of us."

"It is our earnest hope that what is being done by the Provincial Government will serve to encourage voluntary groups to take similar action in their local communities. I would also hope that it would provide some encouragement to individuals and business concerns. Their personal example does much to advance the cause of human rights and good race relations."

The concept of "Community Development" was being considered after the Second World War as a palliative for the social and economic ills of deprived communities in which unemployment, inferior housing and school dropouts were a way of life. By the late fifties and early sixties the Canadian Schools of Social Work were graduating increasing numbers of social case workers professionally skilled in the art of helping individuals to help themselves and Community Development simply extended the concept of self-help from the individual to the community. The Province of Manitoba had developed a full fledged Community Development program in the early sixties in the Metis communities of Manitoba. The federal government was providing impetus and leadership for Community Development initiatives through the Department of Indian Affairs and innovative programs in other departments of government.

The Community Development strategy appealed to the Interdepartmental Committee as one constructive way of assisting the black communities in Nova Scotia and it was agreed that the Department of Public Welfare should pursue that program as vigorously as possible. We preferred the term 'Social Development' and in 1962 the first Social Development Officer was appointed in the Department of Public Welfare.

The Committee had available to it a study done by the Dalhousie Institute of Public Affairs on the condition of Blacks in Halifax City. There was, however, very little information available concerning the black population elsewhere in the Province and George Brand, an employee of the Department, was instructed to conduct a survey of all the other black communities. This task was completed and submitted to the Interdepartmental Committee late in 1963.

The factual information gathered in this survey along with the Institute of Public Affairs study served to assist the Committee with its deliberations and decisions.

The Social Development program continued to grow from its formation in 1962 through the sixties and seventies. In the early years before the appointment of a full time Chief Executive Officer of the Human Rights Commission in 1968, it was the main arm of the Provincial Government in developing human rights initiatives. A full time Director, George Matthews, was appointed in May 1965 and by 1970 the Division had a full time staff of 11 persons and the Director. These Social Development Workers were strategically placed in Sydney, Guysborough, Yarmouth and Halifax where they were close to the black communities served and wherever possible black workers were recruited in the system.

An interesting aspect of the program was the recruitment of summer staff from the universities and high schools. Their job was to work in a wide variety of community betterment projects throughout the Province. In 1980, for example, there were 400 students employed in these summer programs.

The accomplishments of the Social Development program can best be understood by restating the role and functions of the Director. These were:

1. To coordinate projects financed by Welfare Grants such as the Three-Five Mile Plains Project sponsored by the Family and Children's Services of Hants County where the purpose of the project is to demonstrate the effectiveness of techniques aimed at social development.
2. To give leadership and coordinate the activities of A.R.D.A. sponsored welfare projects in areas such as Lincolnville, Guysborough County, where rural development projects may be undertaken under the sponsorship of A.R.D.A. (Agricultural Rural Development Act)
3. To demonstrate the purpose and effectiveness of social development techniques in respect to improving the social, economic and cultural well-being of the Negro and those disadvantaged segments of the white population requiring special services.
4. To coordinate and give leadership to such research projects as may be developed in this field.
5. To work closely with other branches of government in improving the social, economic and cultural position of socially disadvantaged communities in Nova Scotia.
6. To recruit and give leadership to volunteers who may be induced to assist in the performance of necessary and useful tasks in the social welfare field.

Gordon Earle,
First Administrative Officer

7. To give leadership to the activities of municipal governments in all matters related to housing such as the Africville relocation project and low cost housing projects that may be developed for recipients of welfare benefits and others by the municipal level of government.
8. To carry out the instructions of the Interdepartmental Committee on Human Rights as these relate to Negroes.

It should be noted here that some legislative progress had been made prior to the appointment of the Interdepartmental Committee in 1962. The Fair Employment Practices Act was passed in 1955 with amendments in 1959. The purpose of the Act was to prevent discrimination in regard to employment and membership in trade unions by reason of race, religion, religious creed, color, or ethnic or national origin.

In 1956 the Equal Pay Act was passed which was designed to insure that female employees received wage rates equal to those paid male employees doing the same or similar work in the same establishment. It is worthwhile noting that thirty-five years later we continue to discriminate against women in the work place and the Provincial Government has only now begun to address these injustices of wage discrimination.

The Fair Accommodation Practices Act was passed in 1959 to provide that there be no discrimination on the grounds of race, religion, religious creed, color, or ethnic or national origin in places to which the public ordinarily is admitted.

All of this legislation was codified in the first Human Rights Act which was enacted in 1963 and administered by the Department of Labour.

Between the appointment of the Interdepartmental Committee on Human Rights in October 1962 and the establishment of the Human Rights Commission in November 1967 several initiatives were undertaken by the Committee, by departments of the Provincial Government and more especially by the Social Development program in the Department of Public Welfare.

The conviction was strongly held by some influential members of the Committee that legal and punitive measures would not accomplish the objectives set out by the Committee. The notion of a Human Rights Act and a Commission with power to enforce decisions and initiate proceedings that would lead to fines and penalties for infringement of the Act was accepted very reluctantly and that accounts to a large degree for the delay in having the Commission appointed. Those who held a contrary view emphasized the importance of public education and the development of an informed public opinion. Thus much of the Committee's work in the years from 1962 to 1967 consisted of promoting conferences and workshops on Human Rights issues, arranging with service clubs and private organizations for speakers on Human Rights, emphasizing Human Rights Day, December 10, and bringing to Nova Scotia outstanding leaders in Human Rights from the United States, Ontario, Manitoba and other communities which had developed programs.

The two main initiatives promoted by the Committee in this five year period were support and encouragement for the work being done by Dr. William P. Oliver in the black communities and the new Social Development program.

As I read the minutes of the meetings of the Interdepartmental Committee in these early years with the benefit of hindsight and a knowledge of subsequent events I was struck by two very evident facts. The first related to the long and laborious task of persuading public servants and politicians that change was essential and, if delayed, change would be thrust upon us and second, the leadership of the Premier. In meeting after meeting it was he who prodded, goaded and encouraged the public servants and his fellow Cabinet Ministers to get moving and take definitive action. Without him

Human Rights legislation might not have been introduced for at least another decade. Reading these old minutes reminded me once again of how great a leader Mr. Stanfield was, especially in matters relating to the social betterment of people, and how important a contribution one individual can make.

The Education Fund for Negroes was established in the Spring of 1965 with Harlan Cox from the Department of Education as the first Director. Eventually the Fund was administered by the Department of Education but in its early stages it was sponsored as a part of the Social Development program.

The purposes of the Fund as defined by the Interdepartmental Committee were as follows:

(A) The Fund should be used to assist Negro students to continue their education at the level of secondary and high school, vocational, technological, nursing schools and in certain special cases, university, when assistance from other sources is not available.

(B) While due note must be taken of the individual's means and resources, it should be kept in mind that most Negro families who apply for this help will be in relatively straitened financial circumstances. Investigation of resources should therefore be kept simple and with as little imposition of red tape and investigation as may be consistent with good administration.

(C) The Fund should be administered by an Advisory Committee consisting of a Chairman appointed by Government and representatives from the Departments of Education, Welfare and Labour and at least three other persons.

(D) This Fund is for Negroes and therefore the Advisory Committee responsible for its administration should include at least three Negroes chosen for their integrity and community mindedness.

(E) The Advisory Committee should meet at the earliest possible date and take the following steps: (1) decide on ways and means of publicizing this financial assistance and the terms of reference under which it is available (2) agree on frequency and place of meetings; (3) decide on procedures such as application forms, local contacts, etc.

(F) Applications for assistance when received will be referred for investigation to whatever resources in the local community can most quickly and efficiently provide the required information. This may be the local school principal, the clergyman, the local councillor, the local M.L.A., or, in fact, any reliable and dependable person. Difficult and doubtful applications may be referred

Human Rights Day, Province House, December 1979. L to R, Dr. P. Anthony Johnstone, Dr. George McCurdy, Commissioner Merle Whalley, and Honourable Ken Streatch.

to Field Services in the Department of Public Welfare for consultation in the local community and recommendations to the Advisory Committee.

Another important initiative of the Committee was the enactment of the "Clarification of Land Titles Act." The titles to land in areas like Preston, Hammonds Plains and Lincolnville were far from clear. Obviously if constructive action were to be taken to improve housing in these areas it would be essential for the land occupants to have a clear title. The Social Development Division with the aid of this legislation was successful in clearing up a number of titles thus making it possible for the occupant to have pride in ownership and when possible to effect housing improvements.

In the fall of 1966 the Interdepartmental Committee requested Professor Roy Brookbank of Dalhousie University to do a detailed study of the existing programs in the various departments of government and make recommendations regarding the components of a Human Rights program that might be promoted in the government and voluntary sectors.

The terms of reference for the study were as follows:

1. To define the terms of reference and components of a creative and dynamic Human Rights program which might be promoted in both the government and voluntary sectors.
2. To examine the functions now being performed by the various departments of government which would materially advance such a Human Rights program and recommend how these can be extended and coordinated into a better total program.
3. Having regard to the functions and purposes of the Interdepartmental Committee, make recommendations as to how the Interdepartmental Committee can better promote such a program.
4. To examine the feasibility of a full time Director or Coordinator being appointed to report to a Minister and whose primary function would be to promote such a Human Rights program.
5. To examine carefully alternate methods of promoting such a Human Rights program - if there are any feasible alternate methods.

Professor Brookbank submitted his Report in January 1967. He recommended the formation of a Human Rights Commission along the same lines as the Ontario Commission and the appointment of a Coordinator who would serve as the Chief Executive Officer. He suggested the Coordinator report either to the Provincial Secretary or the Minister of Labour. The rationale for having the Coordinator report to the Provincial Secretary rose out of the Committee model already in place which was interdepartmental in design. His Report favored the Department of Labour which was the Ontario model. He emphasized the importance of the position of Chairman and suggested that the interest and conviction of the Chairman would greatly affect the end result of the program.

A new Human Rights Act was passed by the 1967 Spring session of the Legislature. The new Act provided for:

(A) A Commission of seven members appointed by the Governor in Council, three of whom would be officials of the Departments of Education, Labour and Public Welfare respectively and four of the members were to be chosen from the general public.

(B) The appointment of a Coordinator who would be the Chief Executive Officer with the status of a Deputy Head.

(C) The Minister in charge would be designated by the Executive Council. The first Minister appointed to this new position was the Minister of Public Welfare, Hon. Percy Gaum.

The first members of the newly appointed Commission in November 1967 were:

Chairman	W. Andrew MacKay
Members	Dr. Harold Nason, Deputy Minister of Education, Raymond Anderson, Deputy Minister of Labour, Fred MacKinnon, Deputy Minister of Public Welfare, H.A.J. Wedderburn, School Teacher, Halifax, J. Louis Robichaud, Meteghan
Secretary	Gordon Earle

On December 6, 1968 Marvin Schiff was appointed as the first Coordinator and at the same time Amos Stevens was recruited from the Department of Labour to do field work for the Commission. These developments meant that the work of the Interdepartmental Committee had ended and the responsibility for the development of a Human Rights program would from then on rest entirely with the newly formed Commission and its staff.

The Social Development staff continued to work in close collaboration with the Commission but more and more the focus of the Social Development program shifted to the broader challenge of serving the needs of all socially and economically blighted communities. Thus one chapter closed and the writing of a new one had begun.

I write this account of events more than a quarter of a century after they occurred, my memory refreshed by the minutes of the Interdepartmental Committee, many letters written on behalf of the Committee, files from the Social Development program and of course all colored by the benefit of hindsight. As I write the struggle continues with charges and counter charges about racism in the City of Halifax and throughout the Province. The truth is that racism is the end result of the strong oppressing the weak and the abuse of power. Social justice is an ideal for which we strive and our striving must be on many fronts but the basic requirements have not changed. Our people need jobs, decent jobs of which they may be proud; they need decent housing in which to bring up their children, and they must have access to the best the community has to offer in education. These things are the beginning of social justice and the first steps towards the abolition of racism.

Premier Regan with Honourable Leonard Pace and Dr. W. A. MacKay at the signing of the proclamation "Human Rights Day" December 10, 1976. Back row L to R. Stanley Johnson, Arthur Criss, Dr. George Cheong, and Dr. Mairi MacDonald.

THE NOVA SCOTIA HUMAN RIGHTS COMMISSION 1968-1971

MARVIN SCHIFF

In the years 1968-71, the Nova Scotia Human Rights Commission's first as an agency with a full-time staff, the tide of social and political change that had washed over much of the rest of North America in the "Sixties" swept into Nova Scotia. Citizen organizations promoting change - much of it in the field of race relations - emerged, manifesting a kind of aggressiveness to which the province was largely unaccustomed. Some of the local media began to display an unprecedented level of interest in social and political issues as well. And an "alternative press" even began to challenge some of the old social and political institutions.

Much of this activity was quixotic, perhaps. But this was the atmosphere of social ferment in which the Nova Scotia Human Rights Commission became a full-time agency with a nuclear staff complement of its own and moved - sometimes groped - toward maturity.

For the commission, the 1968-71 period was a time of organization, consolidation and expansion. It was a time of self-definition. And it certainly was a time of testing. Minority communities, aboriginal peoples and human rights advocates continually tested the zeal and efficacy with which the fledgling organization would defend human rights. The commission itself continually tested the limits of its own powers - that is, how far its legislation, its political masters and the people of the province would allow it to go in exercising its official authority and moral influence to advance human rights in the province.

Whether or not the community found the commission effective, others will have to judge. Insofar as its own test of its powers went, however, the commission discovered that the Human Rights Act was a far more potent document than it might have appeared at first reading. The Act imbued the organization with the power to move against perpetrators of discrimination, of course. But, it also mandated the commission to promote human rights generally, which the organization adopted as a kind of moral authority justifying its involvement in various efforts to foster social change more broadly. Hence, while the commission attempted to enforce the Act's anti-discrimination provisions, it also became involved during the 1968-71 period in anti-poverty and tenants' - right efforts, among others.

But the agency's initiation into full-blown commissionhood was not an auspicious occasion. It occurred on a cold Saturday morning in November, 1968, in the packed auditorium of an elementary school in the North End of Halifax. Officially, the occasion was a conference staged by the Nova Scotia Human Rights Federation, timed to mark the 20th anniversary of the Universal Declaration of Human Rights. But for many of the people in the standing-room-only crowd, the conference had far greater local relevance.

In recent years, a succession of events had raised an awareness among many Nova Scotians that concrete action to secure the human rights of all citizens of the province, especially its racial and ethnic minorities, was long overdue. For example, the black community of Africville had been unceremoniously uprooted and dispersed in 1964 in a "relocation" project that deposited many of the community's residents in a social and economic limbo. Stokely Carmichael, a leading U.S. proponent of "black power", had just visited the province and likened conditions for many Blacks here to those that prevailed in the American South. The province's poll tax had come under attack as racially and economically discriminatory against the poor.

And, although a human rights act was in place with a skeletal staff and a core of commissioners to administer it, the government seemed unduly slow to appoint a full-time coordinator (later to be called "Director") to the Nova Scotia Human Rights Commission. Indeed, the black community and human rights advocates had set the conference as something of a deadline by which they wanted a director to be appointed.

The conference, then, was expected to be something of a critical moment in the province's human rights history. Premier G. I. Smith was scheduled to appear as a speaker, and word had it that he would respond to the challenge about appointing a coordinator to the commission. And, as if that in itself were not enough, it also was rumoured that a small group of young Blacks planned to confront the Premier on alleged discrimination in the selection of the human rights coordinator.

In the event, the conference lived up to expectations. The Premier was not long into a review of his government's action in the human rights field before he was challenged from the floor of the plenary session to recall the Legislature and repeal the poll tax. He declined and proceeded amid a slowly subsiding hubbub to build toward the introduction of the province's first Coordinator of Human Rights.

The man who had been selected, he said at last, was an Ontario-born journalist, Marvin Schiff. He asked Mr. Schiff to stand. I rose from my chair in the audience. There was a brief hush. I sensed something of a collective gasp from many of the people around me. There was some polite applause. I sat down.

But that was far from the end of it. It had been widely felt that the first full-time coordinator of Human Rights should be Black. In fact, the government had interviewed black applicants for the job. Yet, the appointee was white and from Ontario. Emerging from the audience, a young black man moved to the front of the hall to confront the Premier. He charged that a highly qualified black lawyer from Halifax, Donald Oliver, had applied for the coordinator's position, but had not even received the courtesy of a reply to his application.

Racial discrimination in the appointment of the province's chief anti-discrimination officer? Was it true? The Premier tried to respond, but was not in command of the details of the appointment and was shouted down. He called on the Minister in charge of the Human Rights Commission, James Harding, who fared no better. Finally, hoping that I could distance myself from the controversy and salvage something for the commission, I asked to be allowed to speak.

I was angry. I was nervous. I don't recall precisely what I said. Nor did the local newspaper of the day take note of much more of it than that, in the course of my comments, I uttered some mild expletives such as "hell" or "damn". However, I do remember assuring everyone that I had known nothing of any such allegation and that my first act as Coordinator of Human Rights would be to investigate charges of discrimination in the handling of applications for the very job I was given. Moreover, if I did find any irregularities, I would resign.

For the moment, that satisfied the community. Donald Oliver himself and prominent human rights proponents, such as Gus Wedderburn, Carrie Best and Buddy Daye, urged that my assurance be accepted and that I be given a chance. With that, the conference progressed normally to its close. In my promised investigation, I found that the allegation about Mr. Oliver's application was true, though the failure to deal with it appropriately was a matter of bungling rather than discrimination and Mr. Oliver accepted an apology as settlement of the issue.

The controversy over the appointment of a Coordinator Human Rights, then, was short-lived, but it served to give the commission what today's publicists would call instant "profile". For a while, the commission attracted and held media attention and residents of the province, particularly in the Halifax area, began hearing of the agency. At the time, the investigative staff was made up of Gordon Earle and Amos Stevens; in fact, they were on board even before a Co-ordinator was appointed. Dr. W. Andrew MacKay, then dean of the Dalhousie Law School, was Chairman of the Commission; F. R.-MacKinnon, then Deputy Welfare Minister, was the most senior among a few public servants who served as commissioners, and Gus Wedderburn, President of the Nova Scotia Association for the Advancement of Coloured People, was also a member.

Within a year or so, however, Mr. MacKinnon was the only civil servant still serving and he and the others had been joined by a variety of "citizen" representatives. Among them were Dr. Barbara Clark, a prominent Halifax psychologist; Chief Roy Gould of the Eskasoni Reserve in Sydney, and Rev. Robert Trumbull, a clergyman from Truro. The staff had also been expanded to include Jules Oliver, who later became the Director of the Black United Front, and several other dedicated human rights officers.

Perhaps initial impressions of the Commission's role were not always enlightened; among its earliest calls for assistance was one from a woman who complained that she was a victim of discrimination because her dog required a licence while her neighbour's cat did not. Little by little, though, the Commission's role became better known, its log of discrimination complaints increased and, through experience, it not only defined the limits of its official and unofficial authority, but identified areas in which its powers needed to be legislatively strengthened. Indeed, before long, the Commission recommended and the Legislature adopted a wide-ranging set of amendments to the Human Rights Act, making the Nova Scotia legislation the strongest and most comprehensive of its kind in Canada at the time.

Under the legislation, of course, the Commission's central responsibility was to receive, inquire into and resolve complaints of discrimination on the basis of such grounds as race, religion or ethnic origins. Most of these cases arose out of allegations by black complainants of discrimination in employment or housing, which the Commission tackled, admittedly with mixed success, on a case-by-case basis. Occasionally, however, a particular kind of complaint recurred, indicating what eventually would become known as a problem of "systemic" discrimination that called for a different approach. In one such case, it became clear that Blacks were finding it unduly difficult to get work in the Halifax taxi industry. After lengthy negotiation with the Commission, taxi operators and company owners agreed to sign, promulgate and publicize an industry-wide non-discrimination policy. A modest achievement by today's standards but one that was fairly forward-looking for its time.

Black communities, of course, were not the only source of complaints; a smaller but significant number came from Nova Scotians of Asian origins, francophones, religious minorities, aboriginal peoples and, even at that time, women and persons with disabilities. In one highly publicized case, for example, the band council of the Eskasoni Reserve sought to lodge a complaint against a Crown prosecutor in Sydney. The prosecutor had urged in court that, as a deterrent to the alleged lawlessness among the aboriginal community, unusually harsh sentences be imposed on some Eskasoni residents who had been convicted of drinking offenses. While the prosecutor could not be formally charged under the legislation for comments made in court, the Commission inquired into the matter informally and concluded that the prosecutor's remarks were unwarranted and discriminatory. An attempt was made to persuade the prosecutor to withdraw his remarks and apologize publicly but was rebuffed. A request to his superiors in Halifax that he be disciplined met a similar fate. In the end, the Commission issued a public statement condemning the remarks as inappropriate and discriminatory, which drew fire from the government of the day and a threat - idle, as it turned out - of a libel suit from the Crown prosecutor.

Meanwhile, the Commission was also involved in what might be called "social action", whether as a supporter of action by others or an activist itself. Among its earliest undertakings in this regard was a $5,000 grant to help in the establishment of the Black United Front. The Commission then participated, as an advocate of community involvement, in an inter-ministerial effort to redevelop the community of North Preston.

In time, however, it became clear that many of the matters that were coming to the Commission as discrimination complaints really had other dimensions. The investigation of a fight between blacks and whites in a public housing development, for example, suggested that it was not a racial matter to begin with, but took on that appearance when black and white children clashed over access to limited recreational space. In this case, as in many others, the racial problem seemed rooted only superficially in the attitudes or actions of one group toward another; the problem, in fact, seemed to be rooted much deeper, in the deprivation that all groups in that circumstance were experiencing.

Such problems, however, did not seem susceptible to the application of the Human Rights Act's anti-discrimination provisions alone. Accordingly, in keeping with its mandate to promote human rights in a more general sense, the Commission - or sometimes I, on my own - participated with others in broader forms of social action. The Commission, for example, assisted in the organization of the Halifax Public Housing Tenants' Association, a tenants' rights group headed by Leonard Jones. It joined with other social service and human rights groups in organizing a presentation to the Senate Committee on Poverty (the Croll Committee) in which the Senators had the rare, and, to some of them, unwelcome opportunity to hear about poverty directly from those who experienced it.

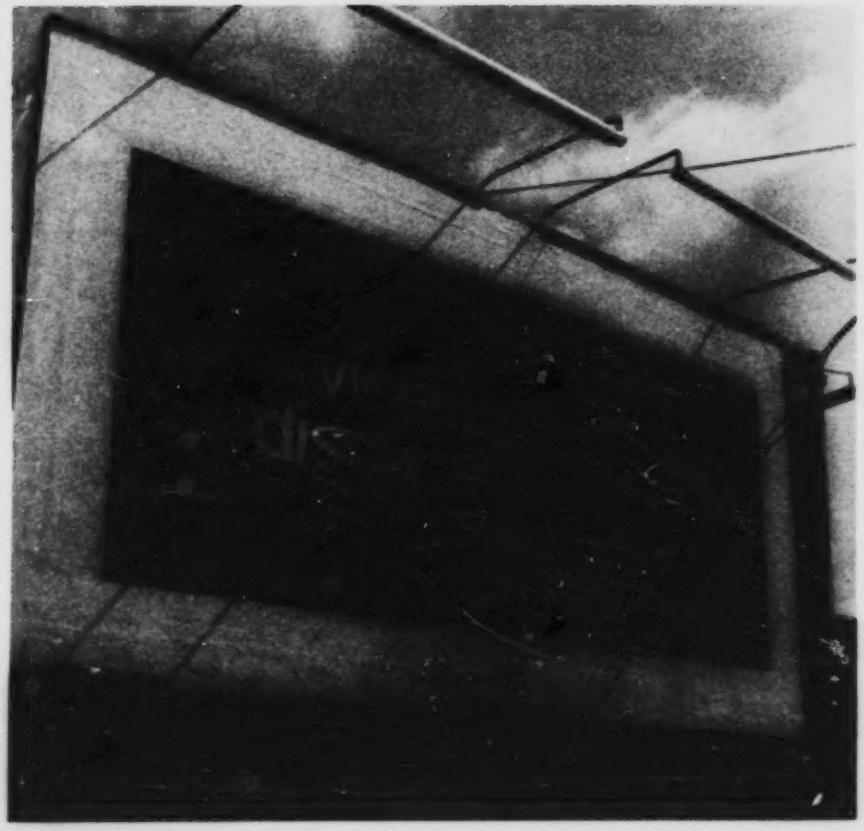
And, perhaps interpreting the Commission mandate rather broadly, I participated in a self-appointed committee of human rights advocates in a successful campaign to strengthen the tenant rights under Halifax housing standards and provincial landlord-tenant legislation. Among others whom I feel I can identify as those with whom I was involved in such undertakings were Martin Dolin, a Halifax social worker, and Canon Mel French, an Anglican clergyman.

Three short years - 1968 to 1971 - but they were filled with many more events and personalities than can be dealt with in detail here. There still remains, for example, the story of the Halifax City Manager controversy. Having hired a new City Manager from the United States, City Council was confronted with information suggesting that their new employee may have had a less-than-laudable record in the race relations field. The appointment became a cause celebre, pitting the black community and human rights advocates against the municipal administration in a confrontation that lasted for several days. And throughout, without knowing quite how it had happened, the Commission staff found their offices virtually taken over by black community leaders who used the premises as "action central" while they campaigned against the appointment.

Then there was the advent of the "Ten Wise Men", a panel of "experts" in social welfare, planning, labour, communications and a variety of other fields who - at the government's invitation - examined the Halifax-Dartmouth region for a week or so, and, each day, pontificated on their findings at a public meeting. In time, I too stood before them, only to be interrogated about the Africville debacle - which had occurred four years prior to my arrival - and subsequently assailed on radio by one of the experts for not having done anything about it.

Still, the notion of bringing experts to Nova Scotia to instruct and inspire local advocates of social change seemed a worthy one. Therefore, when the Maritime School of Social Work asked the Commission to co-sponsor a two-day speaking tour of the Halifax area by the U.S. social-action organizer, Saul Alinsky, the Commission agreed. Alinsky's irreverence, outspokenness and occasional ribaldry shocked some of those in his audiences and inspired some expressions of concern from the office of the Minister then in charge of the Commission, Percy Gaum. But, by the time Alinsky left, the hundreds who had heard him had some new insights into effective social action.

It is difficult, even in retrospect, to assess the extent to which progressive social change had taken hold in Nova Scotia by the end of 1971. Insofar as it had, the Nova Scotia Human Rights Commission could claim to have played a significant role in much of it, perhaps because it always sought to interpret its legislative mandate as broadly as possible. But the commission still was young at the end of its first three years, still something of a callow adolescent. It now faced the challenges of maturity.



Ricky Anderson receiving Certificate of Merit from Hon. Ken Streatch, December, 1981.

RECENT DEVELOPMENTS IN THE FIELD OF HUMAN RIGHTS IN NOVA SCOTIA*

W. A. MACKAY

In recent years the government of Nova Scotia, like its counterparts in other provinces of Canada and elsewhere, has shown increasing concern for the problems of minorities in society. The annual statutes reveal some evidence of this. A Fair Employment Practices Act was adopted in 1955, an Equal Pay Act in 1956, a Fair Accommodations Practices Act in 1959, and these were codified and extended in the Human Rights Act of 1963.

In a nutshell, this legislation prohibits discrimination on grounds of race, religion, colour, or ethnic or national origin in employment and in the supply of accommodations, services or facilities generally offered to the public, and it provides for equal pay for women and men engaged by an employer for the same work. These provisions differ little from those found in a number of other Canadian provinces. Yet as a shield against discrimination, they may prove more important in the legal order of Nova Scotia than elsewhere in the country because of the special nature of some problems in the province. Though sometimes criticized as an ineffective shield, the legislation does provide the background for recent positive efforts, particularly by government, but by private agencies also, to promote human rights and to ensure substantial equality of opportunity for all.

Concern about egalitarian treatment for all in society regardless of race, creed, or colour has been one of the truly significant developments throughout the world since the Second World War. Yet in recent years racial, ethnic, or religious differences have created major problems in many countries wherever attempts made to alleviate historic inequities based upon these differences have failed to keep pace with the aspirations of people. In Nova Scotia efforts are now being made to alleviate historic disadvantages, particularly of one minority group, the negro community, which forms a significantly larger portion of the total provincial population than elsewhere in Canada. If these prove successful they may be adapted to assist others who have yet to enjoy the full benefits of the modern society.

The plight of the negro in Nova Scotia has been a matter for comment from time to time in Canadian news media. It is now the primary, though of course not the only, problem of concern of a provincial government Inter-Departmental Committee on Human Rights. While private accommodation will be all-important in ultimately achieving full equality for all, the experience in Nova Scotia may indicate that initiative by public authorities can do much to spur and to support private initiative. It is proposed here to examine briefly some of the problems faced by the negro minority, to review the provincial legislation designed to promote human rights values and then to describe some of the steps initiated since the formation of the governmental committee.

NEGRO COMMUNITIES IN NOVA SCOTIA

The negro minority is not the only identifiable group with problems in the province. The Indian population, for example, has reaped few of the rewards of an increasingly affluent society, and though this is of concern in the province, responsibility for the welfare of these people remains that of federal authorities. From time to time other minority groups undoubtedly have had problems in a province, originally settled in the main by people of Anglo-Saxon origin, which has had little experience of the rapid economic advance that in other regions of the country has attracted new people, and which remains basically conservative in outlook. Undoubtedly the negro community does have its special problems because of latent, if not overt, colour prejudice. Yet most of its problems are economic; finding employment in a society requiring fewer and fewer unskilled, acquiring adequate housing and community services and appropriate education and training, all these are common for those, negro or white, who live below the average standard in one of the poorer provinces of Canada.

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* *All footnotes deleted. Originally printed in the University of Toronto* ***Law Journal****, Vol. XVII, No. 1, 1967, to whom and the author grateful acknowledgement is made.*

The first negroes in Nova Scotia came as slaves with some of the earliest settlers. Others arrived, some as slaves with loyalist settlers and some as free men who had served the British forces, following the American War of Independence. Though slavery was not formally abolished until 1834 when the Imperial Act of 1833, abolishing slavery throughout the British colonies, came into force, in fact the negro population of the province had been considered to be free long before that. On two occasions large groups, sailed from Nova Scotia to Sierra Leone. With the return of the British fleet from southern United States ports at the end of the War of 1812, large numbers of negroes, given hostage by the fleet, were put ashore in Nova Scotia. Most of the negro communities in Nova Scotia date from this period, though a good many individuals subsequently came as workers from the West Indies, particularly to the industrial area of Cape Breton in the early 1900's.

Despite the fact that negroes had long lived in the province, relatively little factual information about them as a group had been compiled until recently. Census figures do give some indication of the size and distribution of this segment of population in the province. In 1961, 11,900 negroes, more than 37 per cent of all those living in Canada, resided in Nova Scotia where they comprised 1.6 percent of the provincial population. Only Ontario, of all the other provinces, had a negro population almost as large, but there it comprised only .16 percent of total population. In 11 of the 18 counties of Nova Scotia, negroes made up 1 percent of the provincial population, a higher share than in any other county or census division in Canada. In the municipalities of Truro and Halifax County they comprised 4 percent of the total, and in the cities of Halifax and Sydney 2 percent, all higher ratios than in any other Canadian municipality.

In most provinces the majority of negroes lived in areas classified as urban by census authorities, and most of these in urban communities of 10,000 or more people. In Nova Scotia on the other hand about 45 percent lived in rural areas and less than 40 percent in urban areas of 10,000 or more people. This distribution of the coloured population in the province has significance for two reasons. In the first place, the disparity in personal incomes and living standards between Nova Scotia and other more affluent regions of Canada is most pronounced when one looks at conditions in rural areas of the province. Moreover, from their earliest settlement negroes have been congregated in some of the poorest areas which support little other than subsistence garden plots, if even these are possible, and thus the economic conditions of life for rural negroes in the province have been very poor indeed. In the second place, rural negro communities tend to be completely negro and de facto segregation in housing and the services that go with it is clearly visible in rural areas. Yet it is perhaps no more real there than in urban areas where negroes are concentrated, though sometimes with white neighbours, in clearly identifiable areas of poorer quality housing.

The first assessment of a negro community in detail was made in a study on *The Condition of the Negroes of Halifax City, Nova Scotia*, published by the Institute of Public Affairs at Dalhousie University in 1962. Two distinct areas of negro settlement within the city were separately surveyed and comparisons were drawn with statistics for the city's population as a whole. The survey compiled information on the total negro population, the size of households, employment conditions, incomes, housing, and educational standards. It established conclusively that "the negroes of Halifax City are under-employed, under-educated, and ill-housed; that their employment and housing opportunities are restricted and that they have been living under a form of segregation." In the Africville area, a community almost exclusively negro on the northern edge of the city, land ownership was uncertain even for families that had occupied the same dwelling for some generations. The report concluded that while self help in the negro communities was essential, it would not be enough to improve significantly their standards of living and that the city as a whole must expect to provide special help to overcome historic inequities.

This study was important not merely for the facts it established about conditions in the city. More important, it provided background for measures subsequently adopted by the city to relocate negroes from both of their traditional settlement areas in connection with urban renewal projects. Further, it made more obvious than ever how little is known of the other negro communities scattered around the province. Most of them are rural with standards of living likely to be substantially below those in Halifax, though these may vary depending largely upon general economic conditions in particular areas.

THE INTER-DEPARTMENTAL COMMITTEE ON HUMAN RIGHTS

In October 1962, the Premier announced the creation of a special Inter-Departmental Committee on Human Rights. The terms of reference of this committee are:

1. To give immediate attention to the problems of the Negro in Nova Scotia.
2. To review existing provincial services and legal responsibilities in respect to all minority groups, including Negroes, and to make recommendations as to how such services may be more effectively rendered for the benefit of those minority groups, and how existing legal responsibilities may better be discharged.
3. To make recommendations regarding programs which may be undertaken:
    (a) To improve race relations in the province;
    (b) By educational authorities, business, industry, trade unions, press, radio, television, service clubs and government (provincial and local) to promote freedom and equality of opportunity for all persons without regard to race, creed, nationality, ancestry or place of origin.

The Committee is chaired by the minister of public welfare and it includes the ministers of education and labour, the deputy ministers of public health, public welfare, labour, and education, the deputy attorney general and the chairman of the Nova Scotia Housing Commission. It has subsequently included representatives of other government departments in its deliberations.

Within a few months of its creation the Inter-Departmental Committee had initiated a survey of negro communities outside the city of Halifax and under its aegis impetus was given to following the precedent set in Ontario of consolidating anti-discrimination legislation into a single Human Rights Act, adopted by the legislature in the spring of 1963.

A SHIELD AGAINST DISCRIMINATION: THE HUMAN RIGHTS ACT

The Preamble to the Act recalls that

> ... recognition of the inherent and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the universal declaration of human rights as proclaimed by the United Nations;
>
> ... this legislature in a number of enactments has affirmed the principle that every person is free and equal in dignity and rights, without regard to race, religion, religious creed, colour or ethnic or national origin;
>
> ... the government has established an Interdepartmental Committee on Human Rights which is engaging in studies of the subject of human rights.

The Act declares that every person has the right to obtain admission to and to enjoy accommodation, services, and facilities available in any place to which the public is customarily admitted, and it prohibits denial of such access or enjoyment because of the race, religion, religious creed, colour, or ethnic or national origin of the person. The Act prohibits similar discrimination in the leasing of any apartment in any building containing more than four self-contained dwelling units. It prohibits discrimination by employers in hiring or retaining employees; it prohibits application forms, advertisements, or written or oral enquiries about employment, or publication, display, or broadcasting of any notice about any other matter, that indicate a tendency towards discrimination; it prohibits trade unions from denying full membership on any discriminatory basis. It prohibits discrimination in pay between male and female employees employed to do the same work in the same establishment by an employer. It makes it an offence for a person to evict, discharge, suspend, expel, or otherwise discriminate against any person who has made a complaint or assisted in proceedings taken under the Act.

These are all fairly standard provisions. Two of them are perhaps worth comment. The fair employment practices provision applies to an employer of a single employee, excepting only domestics employed in a private home and cases where the employer is an exclusively charitable, religious, philanthropic, educational, fraternal, or social organization not operated for profit or a nonprofit-making organization to foster welfare of a religious or ethnic group. Only Saskatchewan, among the other provinces, applies its legislation this widely, the others all exempting employers of fewer than five persons. The ban against discrimination in leasing of apartments was once the most stringent of Canadian legislation of its type, affecting buildings with more than four self-contained dwelling units. Yet in the light of housing conditions in the province this provision would apply in cities and larger towns to buildings which for the most part are fairly new and expensive, beyond the rental capacity of those living below the average standards of income. In

Professor W. Andrew MacKay, Chair of the NSHRC, Dr. John Humphrey, one of the authors of the Universal Declaration of Human Rights, George McCurdy, Director NSHRC.

Ontario, which was the first province to prohibit discrimination in the leasing of apartments the provision has been modified to apply to commercial units or apartments in buildings containing three or more self-contained dwelling units.

Two substantive protections provided in legislation of some other provinces are omitted from the Nova Scotia statute. The first is a ban against discrimination in employment practices on the basis of age of the applicant or employee now included in British Columbia. The second is a provision rendering void covenants included in conveyances which seek to limit a grantee's rights on a basis of racial, religious, or other discrimination, now dealt with by legislation in Manitoba and Ontario. For the latter, legislation may not be necessary in light of judicial decisions in Ontario, rendering such restrictive covenants void for reasons of public policy or uncertainty.

The Human Rights Act is administered by the Department of Labour. The Act provides for complaints of alleged violations to be made in writing on a form prescribed, for investigation of the complaint by the Department in an attempt to settle the matter. If a settlement proves to be impossible, the minister may appoint a commission to investigate the matter, he shall furnish copies of its recommendations to anyone affected, and he may subsequently issue "whatever order he considers necessary to carry the recommendation of the Commission into effect." No commission has been appointed either under the existing Act or its predecessors which included similar provisions. Prosecutions under the Act may only be commenced with the consent in writing of the minister, but those convicted of violating the Act or failing to do anything under the Act, are subject to a fine, if an individual, of up to $100, and if a corporation or trade union, of up to $500. The minister may also apply for an injunction to restrain continuance of an offence by anyone convicted under the Act. No civil remedy is provided.

Critics of the Act suggest that its enforcement may be lax and that prosecutions are too few. The criticism seems unjustified. There have been a good many complaints under the Act and its predecessors. All have been investigated and indeed in a few cases where no formal complaint was lodged, investigations were launched anyway. In a very few cases investigation has clearly revealed the complaint to have been unwarranted in the sense that conduct has been based on factors other than unlawful discrimination. In the vast majority of the other cases settlement has been relatively easily effected and the person alleged to have violated the statute has agreed to abide by it in future. In the early years of anti-discrimination legislation in the province violations appear to have been made as often as not in complete ignorance of the statutes and the complaints did provide an opportunity to extend knowledge of the legislation. The investigation is in the form of conciliation and the practice is wherever possible to confront the alleged violator with the complainant and to arrange a settlement including future compliance in the presence of both parties.

This emphasis on conciliation and settlement with a minimum of publicity underlines acceptance of the belief that in the long run more can be accomplished by persuasion and education than by prosecution. It also acknowledges tacitly the real difficulty in any prosecution, perhaps not fully appreciated by laymen, that of establishing that discrimination has been because of the race, religion, religious creed, colour or ethnic or national origin" of the complainant. One approach to this problem, which has been adopted only in Saskatchewan in its Fair Accommodations Practices Act, is to place the onus on an accused when prosecution is instituted to prove that his action has not been on the basis of unlawful discrimination. This seems unlikely to be adopted in Nova Scotia Despite the difficulty of proof in any court proceeding under the Act, prosecutions have been initiated and convictions obtained in three cases within the past year. One was a violation of the apartment-leasing practices provision, the others for failure to provide service to negroes by beauty parlour operators.

While the Act may be circumvented, anyone aggrieved may register a complaint and it is of significance that the Department of Labour has no record of successive complaints against the same person and there has been no necessity to seek an injunction against continued violations.

POSITIVE MEASURES TO PROMOTE EQUALITY OF OPPORTUNITY

Useful as the pressures of official investigation and the occasional prosecution under the Human Rights Act may be in discouraging unlawful discrimination, they will not contribute significantly to substantial equality of opportunity so long as people have not the education or training or the economic resources necessary to take advantage of opportunities available in a changing society. Only measures specifically designed to promote the welfare of those now at a disadvantage can do this. In the co-ordination of public measures for this purpose under the aegis of the Inter-Departmental Committee on Human Rights, and the possibilities for co-ordination of private activities toward the same end, there is much promise for the future.

Governmental interest in the plight of the negro does antedate establishment of the Committee. Since the mid-1940's the Adult Education Division of the Department of Education has worked with leaders of negro communities, particularly in Halifax County, to promote educational and community development programs. Yet the whole range of governmental activities had not been brought to bear upon their problems. Since the formation of the Committee a number of public projects have been pursued. Research has been undertaken, support has been given to programs of public education and for discussion of human rights problems, new responsibilities have been assumed for social welfare programs, legislation to simplify clarification of land titles has been adopted, and special educational grants have been introduced.

Following the study on the condition of the negroes in Halifax city, which the provincial government helped to finance, the Inter-Departmental Committee on Human Rights initiated a survey of negro communities throughout the rest of the province. This survey has been completed as has a socio-economic study and recommendations for Sunnyville, Lincolnville, and Upper Big Tracadie, Guysborough County, Nova Scotia, a study undertaken under the ARDA programme. The results of the latter two studies have not been made public, yet it is safe to assume that these have already provided a basis for some of the initiatives taken by government.

In the field of public education a booklet entitled *Human Equality*, containing a note on development of human rights legislation in Nova Scotia, summaries of some complaints registered under this legislation, the text of the Human Rights Act, and the terms of reference of the Inter-Departmental Committee, was published and circulated widely throughout the province. In December 1963, on the fifteenth anniversary of the United Nations Universal Declaration of Human Rights, special programs were encouraged throughout the public schools of the province with materials and suggestions provided by the Department of Education. A special programme to mark the occasion was organized in Halifax with the co-operation of service clubs and other private organizations, and arrangements were made for a number of similar meetings throughout the province. In 1965 the province helped to support a human rights conference, again on the anniversary of the United Nations Declaration, for interested people from across the province. As yet no concerted or continuing programme of public information and education to promote the concept of equality of opportunity has been initiated.

Arising in large part from the work of the Inter-Departmental Committee on Human Rights has come the formation of a new Division of Social Development within the Department of Public Welfare.

The new Division has a variety of responsibilities involving co-operation with other branches of government, municipal and federal as well as provincial, "that are concerned with improving the social, economic and cultural position of disadvantaged communities in Nova Scotia. Under the Division social development officers have been appointed, one for communities in Guysborough County under an ARDA project, one for communities in Halifax County, and one with specific responsibilities for developing employment opportunities for negroes. Programs under the new Division will form the basis for the province's first co-ordinated attack on problems of poverty. In addition, the province has assisted the city of Halifax by making an officer available to co-ordinate action involved in relocating the people of Africville. The first project of its kind in the province, this relocation raises a number of social problems that are not easily solved. One has been solved by the City in settling claims of those living in the area, regardless of their legal rights in the land, on a reasonable basis, though not at amounts that would permit replacement of housing in other sections of the city if it were available. Most of those relocated tend to be faced with no choice but to move into public housing, racially integrated, if they wish to remain in the city. Finally the work of the Department of Education has been extended, promoting establishment of community development associations with an emphasis on education, in many negro settlements around the province.

In housing, the Nova Scotia Housing Commission has assisted one or two minor projects to provide better housing for negroes outside the metropolitan area of Halifax. A new Housing Development Act was passed this year to reorganize the Commission and broaden its powers to permit greater flexibility in improving housing conditions in the province.

The absence of initiative in improving housing and community standards which may he attributed to confusion or uncertainty about land titles in negro settlements has been dealt with by a new act, the Community Land Titles Clarification Act. Under this statute "where the residents of an area of a municipality are in necessitous circumstances as a result of lack of property development in the area and where there appears to he confusion as to the ownership of land, the Governor in Council [with the prior approval of the council of the municipality] may designate the area as a Land Titles Clarification Area. This done, a plan of the area concerned is filed in the Registry of Deeds and any person residing in the province who claims to own land in the designated area may apply for a certificate of claim, which may be issued by the minister of lands and forests if it appears the applicant is entitled to the lot claimed. Once this certificate is registered, the applicant may apply to the municipal council for relief of tax arrears and after sixty days, without written notice of an adverse claim or a claim of a lienholder against the land, the Minister may issue to the applicant a certificate of title to the land. When registered, this vests title in fee simple in the applicant, subject to any qualifications included in the certificate of title. As originally enacted, the statute precluded issuing a certificate of claim where there were existing charges binding the land unless these were discharged or the holder of any lien consented to issue of the certificate. An amendment to the Act provides for notice to be given to anyone holding a registered lien: a judgment, mortgage, encumbrance, or charge other than one for municipal taxes. The lienholder then has three months to enforce his lien, and if he does not act the lien is deemed discharged and no longer binds the land. The amendment should avoid undue delay in the clarification of titles.

For the long term one of the most promising programmes initiated thus far is a special educational fund for negroes. In its first year, 1965-66, the fund budgeted $25,000 which was expended mainly on special financial needs of individual applicants. Additional sums were expended in the form of promotión awards, for those in high schools throughout the province who successfully completed their previous year's studies and returned to school, in the form of achievement awards for students specially recommended by their teachers, and finally to support university education. The pattern of early school drop-outs in negro communities may be remedied through such encouragement as this, but much more will have to be provided if a growing young population is to remain in school. Only through such a programme will the youth of the negro community be put in a position to compete equally for opportunities in the province or elsewhere, and only through improved education will a sufficient core of leadership be available for the negro population. One additional step in the educational field is underway; as part of the province's long-standing programme of consolidating school districts the segregated school, still in existence at the elementary level in some exclusively negro communities, may be expected to disappear.

The continued existence of schools segregated for negroes, not by law but by the facts of the particular community, illustrates a most important aspect of all the governmental initiatives now underway. Each of these has been evolved and started with the co-operation of the people concerned and no programme has been imposed on the community involved. Thus segregated schools exist because the negro community concerned wants to maintain its own elementary school or because adjacent school districts have not yet agreed to consolidate despite the financial incentives available under provincial law to encourage this. Throughout the evolution of the government's action efforts have been made to solicit the views and the co-operation of the negroes. through the increasing number of negro professionals in the public service working on these matters, and through the leadership of local community development associations, themselves partly inspired by governmental initiative.

While public activity has expanded significantly, private initiative has also multiplied, to a great extent encouraged by the interest and activity of government authorities. One of the significant developments has been a preschool nursery programme for negro and white children without cultural advantages, a programme generally taken for granted in the public school system. The original programme in Halifax, initiated by two churches, has now been copied by a number of other private agencies. Perhaps the great need now is for better co-ordination of private efforts and for more co-operation between these and public authorities. The 1965 Human Rights Conference in the province urged formation of a co-ordinating committee for private activities in the field of human rights; to this end a provincial body was formed in December 1966.

CONCLUSION

The traditional situation of the negro in Nova Scotia has left much room for improvement. Public and private agencies are increasingly active in meeting the problems left as a legacy of the past. Public efforts are now co-ordinated and the whole resource of government is being brought to bear to assist the negro community through programmes in which the negro minority is prepared to actively co-operate. Because the basic problems of this community are economic, the problems of poverty, actual or relative, and all that these entail, the task will not be easy nor of brief duration. Yet the initiatives now underway, not merely to ban unlawful discrimination but to promote substantive equality of opportunity, are important pilot projects. They may do much to ensure mutual confidence and trust between negro and white citizens. If successful they promise hope for all economically underprivileged areas or people in the province.

CALVIN W. RUCK

NOVA SCOTIA HUMAN RIGHTS COMMISSIONER SPEAKING AT WHITNEY PIER BRANCH, ROYAL CANADIAN LEGION SYDNEY, NOVA SCOTIA, NOVEMBER 18, 1988

This is indeed an honor and also a very humbling experience to return to my home town in the role of speaker. When I boarded the train on September 24, 1945, approximately 43 years ago, enroute to Halifax, there was nothing in my background to suggest that one day I would be returning for this very special purpose.

When the opportunity to participate in this event was extended, I did not hesitate for a moment in responding with a very cheerful yes. The Lord is indeed good.

On this occasion to commemorate the 40th Anniversary of the United Nations Universal Declaration of Human Rights, I have chosen for my topic, "The Development of Human Rights in Nova Scotia."

It was on the 10th day of December, 1948, that the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.

With respect to the United Nations Declaration, Dr. Daniel Hill, the former Director and Chairman of the Ontario Human Rights Commission, has written:

> *"From the outset, it can be said that the well-spring of Canadian Legislative action against discrimination in all areas was the United Nations Declaration of Human Rights. Preambles to many of Canada's anti-discrimination laws quote from the Declaration in this way: "All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour,sex, language, religion, political or other opinion, national or social origin, birth or other status"*

The Nova Scotia Human Rights Act is stated in similar language. "The Human Rights Act affirms the principle that every person is free and equal in dignity and rights without regards to race, religion, religious creed, colour, sex, physical or mental disability, ethnic or national origin."

A booklet published by the Canadian Labour Congress in 1977, and authored by the previously mentioned, Daniel Hill, points out quite concisely the evolution of Human Rights in various parts (The Labour Movement played a very prominent role) of the country. A brief look at other jurisdictions may be helpful prior to examining the development of Human Rights in this province.

In this country human rights discrimination rears its ugly head in many ways. Overt discrimination, which can be described as open or obvious discrimination, is very rarely practiced. It is as readily apparent as the sign that appeared in Kingston, Ontario in 1976.

"To let", the sign said, "two bedroom apartment, Aryan Caucasian adults only."

Another form of discrimination is known as "Nice Guy Discrimination." Such people are the landlords who, professing their own freedom from prejudice, refuse to rent to visible minorities because their other tenants presumably would move out, or the employers who reject minority group job applicants for fear of the negative reactions of other employees; or businesses which exclude patrons of racial groups for fear of a general loss of revenue.

Of course, these people will seldom admit their motives. They attempt to hide behind excuses. The job has been filled, the apartment is gone. Some of my best friends are Blacks, etc.

There is probably no more subtle form of discrimination than institutional discrimination. With its roots buried deep in Canadian social history, it makes many of our major institutions, notably our business and schools, operate to the detriment or exclusion of racial minorities. Examples of institutional discrimination are to be found in prescribing overly high standards; exclusion of minority history from text books; in legislative discrimination, good examples are to be found in immigration laws.

When authors of the Human Rights movement discuss the evolution of Canadian law in this field, their point of departure usually is the end of the Second World War. However, there was some movement with respect to Human Rights prior to 1945.

For example, in 1793, the province of Upper Canada, now known as Ontario, passed an Act prohibiting the further importing of slaves into the colony and requiring that the children of slaves be set free, once they reached the age of 25, a stipulation which appeared generous to them. Also, 40 years later, in 1833, the British Parliament passed the Emancipation Act, outlawing slavery throughout the empire. The British Empire at that point in time also included what we now know as the Dominion of Canada.

Many Canadians are probably not aware of the fact that black slaves were bought and sold here in Canada prior to 1833. An advertisement carried in a Toronto newspaper on February 10, 1806, stated

> *"To be sold-a black woman, named Peggy, aged about 40 years, and a black boy her son, named Jupiter, aged about 15 years."*

The same type of advertisements also appeared in Nova Scotia newspapers at various times.

However, it is very significant that from the abolition of slavery in 1833 for over one hundred years there was practically no legislation in support of Human Rights in Canada.

As a matter of fact, Canadian laws affecting the rights of Blacks, Asians and Native peoples were largely discriminatory, as one gleans from Pierre Burton's book: *Settling the West*.

As I indicated earlier, the Second World War, was a distinct turning point. In 1946, the Jewish Labour Committee of Canada began mustering the support of labour and other groups behind a drive for anti-discrimination laws at all levels of government. The rationale for labour's concern with Human Rights was set out in a fact sheet by the Canadian Labour Congress. It stated:

> *"Discrimination and prejudice split the union; they are a threat to unity. Discrimination and prejudice are in direct conflict with the underlying principles of the Labour Movement-which are brother-hood and equality. When some citizens are deprived of their rights, everyone's rights are threatened."*

The first independent piece of legislation in Canada to prohibit discriminatory actions was the Racial Discrimination Act, passed in Ontario in 1944. In 1947,

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Saskatchewan passed a statute that seems more clearly to have been a forerunner of contemporary Human Rights laws, the Saskatchewan Bill of Rights. It prohibited discrimination in accommodations, employment, occupation, land transactions, education, businesses and enterprises and was intended to cover the government as well.

With respect to fair employment, Ontario led the way by passing the first Fair Employment Practices Act in Canada. This took place in 1951. By 1956, Manitoba, Nova Scotia, New Brunswick, British Columbia and Saskatchewan all had enacted similar laws. Quebec followed in 1964.

A fair Accommodations Practices Act was passed in Ontario in 1954 and by 1959, Nova Scotia, New Brunswick, Saskatchewan and Manitoba had laws similar in scope to Ontario's. British Columbia enacted legislation in 1961 covering only public accommodation.

Quebec amended its Hotel Act in 1963, to forbid discrimination in hotels, restaurants and camping grounds. Thus, we can see plainly that discrimination in Canada was rampant from coast to coast. We must bear in mind that governments do not normally pass controversial legislation just to win friends and influence people.

In 1961, Ontario had again led the way in launching Human Rights administration into its next stage by establishing a Human Rights Commission with full-time staff.

In 1977, a major break through occurred when the Federal Government brought in a Human Rights Act, which established a Federal Human Rights Commission. The Federal Commission has jurisdiction over Federally-licensed operations, such as banks, airlines, broadcasting and television stations, Federal Government Departments and agencies, crown corporations, railways and so on.

One of the clauses of the Canadian Human Rights Act states:

> *"Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able, and wishes to make, consistent with his or her duties as a member of society without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex or marital status, or conviction for an offence for which a pardon has been granted or by discrimination practices based on physical handicap."*

In terms of owning or renting accommodation, the Act states that a person may not be denied the right to own or rent business premises or a residence.

It is interesting to note that this rather broad legislation came into effect almost exactly one hundred and ten years after Canada became a nation and leads one to the conclusion that the federal government certainly did not panic over Human Rights issues.

Commenting on this Federal initiative, Hill makes the point that in 1977, after repeated promises, the Federal Government brought in a Human Rights Act which would establish a Federal Human Rights Commission and bring its operations more in line with the provinces.

Here in the Province of Nova Scotia, the first legislation in the field of Human Rights was the Fair Employment Practices Act, which was assented to in April 1955.

The preamble states:

> *"An Act to prevent discrimination in regard to employment and membership in trade unions by reason of race, national origin, colour or religion."*

The initial Act covered firms with five or more employees and was directed by the Nova Scotia Department of Labour.

Following the passage of the Bill, the Leader of the Opposition, Hon. R.L. Stanfield, is reported in Hansard as stating:

> *"Mr. Speaker, I think that everyone in the House will agree that the Bill has a very commendable purpose. It seems to me it is very fine as far as it goes. The only thing I think we must all bear in mind is that you don't correct or remove discrimination of this type by passing a law and it would be unfortunate, I think, if we and the people of Nova Scotia should take too much pride in the fact that we passed such a law."*

The enactment of the Fair Accommodations Practices Act in 1959 provided that there should be no discrimination on the ground of race, religion, religious creed, colour or ethnic or national origin in places to which the public ordinarily is admitted.

Places such as hotels, barber shops, taverns and pool rooms.

The 1963 session of the Legislature saw the coming into existence of the Human Rights Act which codified existing anti-discriminatory legislation.

The Fair Accommodations Practices Act was amended by introducing a new principle, the prohibition of discrimination in the renting of apartments in any building containing more than four self-contained dwelling units.

The Nova Scotia Human Rights Commission was set up in 1967 to perform certain functions including:

1. Conduct research in the general field of Human Rights.
2. Co-ordinate the activities of various government departments as far as these activities concern Human Rights.
3. Develop a program of public information and education in the field of Human Rights.
   As indicated above, the Human Rights Commission originally had jurisdiction in the areas of education and research only and was under the administration of the Minister of Public Welfare.

No powers of enforcement were vested in the new Commission. This lack of power created, in terms of implementation, a rather toothless tiger and had the effect of providing for band-aid solutions based upon band-aid methods.

Around this period, the government came under pressure from such organizations as the Nova Scotia Human Rights Federation and the Nova Scotia Association for the Advancement of Coloured People to strengthen and accelerate Human Rights laws and activities in the province.

These groups advocated the immediate hiring of a full-time Director and staff to oversee and enforce existing legislation. They also recommended the incorporating of more stringent and more meaningful terms into the Human Rights laws.

The government responded with the appointment of Marvin Schiff as the first Director of the Human Rights Commission in December, 1968.

When the government appointed Mr. Schiff, it combined the powers of enforcement, education and research, under his direction with his first responsibility being the designing of a stronger Human Rights Act.

Among the major changes in the legislation between 1963 and 1971 was this amendment relating to housing:

> *"The Human Rights Act would apply to all housing accommodations except those where the only premises rented consist of one room in a dwelling house, the rest of which is occupied by the landlord or his family and the landlord does not advertise the room for rental."*

The amendments to the Human Rights Act enacting broader terms of reference and stronger powers, set the framework for a more direct and concerted assault on entrenched racism in Nova Scotia, particularly with regard to employment services and de facto housing segregation.

To supplement the Human Rights legislation and the enforcement of that legislation, the Human Rights Commission has actively and aggressively solicited and recruited the support of various groups and power structures throughout the province, including municipal governments, school boards, industries, chain stores and business associations.

A declaration of Fair Housing Practices was signed in January 1973 by the Nova Scotia Real Estate Association in conjunction with the Nova Scotia Human Rights Commission and the Nova Scotia Housing Commission.

The Real Estate Association pledged its co-operation and support of the Human Rights Act. To implement this pledge, the Association endorsed on behalf of its membership:

1. A statement of policy of non-discrimination, stressing that housing matters should be decided without reference to factors as race, religion, creed, colour, sex or ethnic or national origin.
2. The acceptance of property listings from the public on an unrestricted basis and without reference to race, religion, creed, colour, sex or ethnic or national origin.
3. The encouragement of the use of the educational and conciliation services of the Nova Scotia Human Rights Commission in order to promote full and equal housing opportunities for all members of the public.

To assist realtors to conform with the Human Rights Act and to protect minority group applicants, the Human Rights Commission provided a set of guidelines to the Real Estate Association, which were accepted in August, 1974.

In proclaiming the period from 1973 to 1983 as a decade to combat racism and racial discrimination in Nova Scotia, the then Premier of Nova Scotia Hon. Gerald A. Regan, stated on December 8, 1973:

> *"History has allowed the visible minorities to become invisible in the vital areas of employment, housing and community life. It has allowed language, religion, colour and national origin sometimes to become a barrier to progress and advancement."*

For Blacks, racial discrimination was a form of a double-edged sword for on the one side they were visible in terms of discrimination while on the other side they were invisible in terms of public employment.

As indicated earlier, the Fair Employment Practices Act, passed in 1955, was the first statute enacted by the Province of Nova Scotia in the field of Human Rights. The investigation and enforcement measures provided in that legislation and successive statutes such as the Fair Accommodations Practices Act were the responsibility of the Department of Labour until December 31, 1968. This Department carried out the duties relevant to the Acts on a rather ad hoc and low-priority basis with no specific staff engaged in those duties and with very little publicity being given to the existence of such laws.

Violators of the provisions of the Acts could, probably, plead truthfully that they were ignorant of the illegality of their discriminatory policies and/or actions.

Also, many victims of discriminatory acts based on race, colour, religion or whatever, were not aware of the recently-established statutes enacted to provide equal rights in the areas of employment, accommodations, services, and so on.

The available records indicate that the first complaint in the area of housing discrimination was reported to the Labour Department in 1964, and it was found that the Fair Accommodations Practices Act did not apply as the apartment buildings did not contain more than four self-contained apartment units.

In 1965, a Dartmouth landlord was duly charged under the Human Rights Act for refusing occupancy of an apartment to a white man and his black wife. He pleaded guilty and was fined fifty dollars, plus court costs.

The above-mentioned case was the only complaint related to housing received by the Department of Labour during 1965 and it led to the first conviction for a violation of the Human Rights Act in Nova Scotia.

The events as well as the details of the events that led up to the complaint and subsequent trial were carried in the local newspapers, and no doubt served to convince some skeptics that the government was serious in its resolve to secure equality for all citizens.

In 1966, two complaints were filed in relation to housing discrimination. Again it was found that the Act did not apply as the apartment buildings did not contain more than four self-contained apartment units.

One complaint was made in 1967, and was found to be in the same category as the two complaints of 1966.

In 1968, one complaint relating to alleged housing discrimination was received by the Department of Labour. This complaint was dismissed due to the insufficient evidence.

On December 31, 1968, responsibility for the administration of the Human Rights Act was removed from the Labour Standards Division of the Department of Labour and vested in the newly constituted Nova Scotia Human Rights Commission.

With this change in administrative responsibility, the number of complaints in all areas under the jurisdiction of the Human Rights Act increased dramatically.

For example, in terms of alleged housing discrimination the Department of Labour during the five year period, from 1964 to 1968, inclusive, received a total of six complaints only.

However, over a similar five-year period from 1971 to 1975, the Human Rights Commission received a total of one hundred and forty complaints.

H.A.J. Wedderburn, President of the Nova Scotia Association for the Advancement of Coloured People and a former Commissioner of the Human Rights Commission, states that there were a number of factors that influenced the influx of complaints after 1968 which included the following:

1. Major amendments to the legislation, such as the bringing of all apartment units under the jurisdiction of the Human Rights Act.
2. The employment of full-time staff, including members of minority groups.
3. More publicity on the Human Rights Act.
4. More aggressive enforcement.
5. The Civil Rights movement in the United States generated interest and impetus here in Canada, which increased awareness among minorities.

Historically, here in Nova Scotia Blacks have been the most discriminated against group in all areas, including housing, employment and services.

Statistics on Human Rights complaints and violations indicate clearly that Blacks are still in that most unenviable position.

During the period from 1969 to 1972, inclusive, 71% of all complaints emanated from Blacks while for native Indians, Asians and Acadians, the complaints constituted 14.1% of the total.

Again, during the period from 1975 to 1977, inclusive, 158 complaints from Blacks accounted for 47.3% of all complaints. Indians, Asians and Acadians made 25 complaints for a total of 7.5% of all formal complaints.

Further, in the three year period from 1978 to 1981, the Human Rights Commission received 408 formal complaints of which 209 involved visible minorities Blacks, Native people, East Indians and Chinese. Blacks were the source of 166 of those complaints or over 80% of the visible-minority sector.

From April '87 to March '88, the statistics indicate that 196 formal complaints were received, of which 68 were very recent complaints made on the basis of race and/or colour.

It is obvious that in terms of Human Rights, we still have a long, long way to go here in Nova Scotia.

There is no question in my humble opinion that gains have been made in the 40 years since the United Nations Declaration of Human Rights. There is also no doubt that racism persists in countless places, including Nova Scotia.

One obvious factor is the deafening silence of the majority. Someone has stated that "The triumph of evil is assisted by good people doing nothing."

What are we doing? That is the big question.

Majority silence communicates itself to minorities and the oppressed as a lack of concern at best and as tacit approval of racists at worst. People of goodwill and serious intent must break the silence. They must do so in action as well as by word of mouth.

In conclusion, I would like to quote from the words of the Rev. Martin Niemoeller, the German Lutheran Pastor who was arrested by the Gestapo in 1938 and sent to Dachau concentration camp until he was freed by the allied forces in 1945. He stated:

"In Germany, the Nazi first came for the Communists, and I did not speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the Trade Unionists. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me and by that time there was no one left to speak for me."

Think about it. You may be the next victim of prejudice and its ugly offsprings of discrimination and racism. Human Rights is everybody's business.

Ms. Blanche Cottreau presents two of her paintings to the Nova Scotia Human Rights Commission, flanked by Dr. George McCurdy and Mr. Philippe Comeau, 1977.

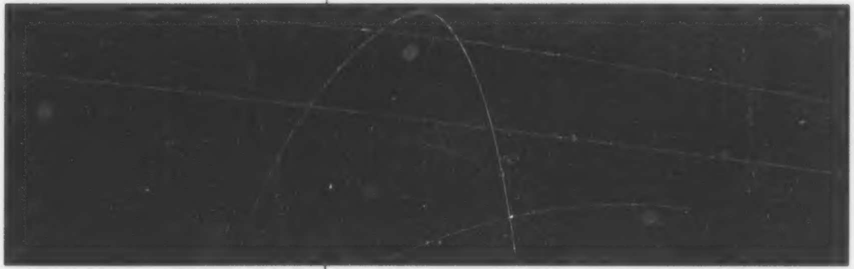
ADMINSTRATION AND ENFORCEMENT OF HUMAN RIGHTS LEGISLATION IN CANADA

WALTER S. TARNOPOLSKY*

INTRODUCTION

In the century since Confederation our human rights and fundamental freedoms, or civil liberties (which is the more traditional Anglo-Canadian synonym), have undergone fundamental transformation in two ways. In the first place, it has come to be recognized in this century that the promotion and protection of several types of civil liberties requires the active intervention of the government in many kinds of private relationships, and not its exclusion from such interferences. In the second place, we are finally realizing, and this perhaps only since World Ware Two, that the rights of man must be extended to every person in our society, regardless of such individual's race, colour, religion, sex, age, ethnic or national origin.

The men in Canada and England who drafted our basic constitutional document - the British North America Act of 1867 - did not believe in the Bill of Rights. Moreover, any suggestion that the government had a role in promoting human rights through interferences in private relationships would have been inimical to their views of civil liberties. If asked what their rights and freedoms were, they would probably have referred to the fundamental freedoms of speech, press, religion, assembly and association, the right to habeas corpus, the right to a public trial by an independent and impartial judiciary, and perhaps also to such a freedom as that of contract, and such a right as that of property. All of these rights and freedoms could best be promoted through the absence of governmental interference. The common law was sufficient protection for relationships between man and man, and man and the state. The only body that could take away any right or freedom was Parliament, and since Parliament was subject to periodic elections, the majority could be called upon to protect their own rights and freedoms.



Within the first half century after Confederation the fallacy of relying upon this traditional approach for the promotion and protection of civil liberties was exposed. Since legislative bodies are dependent upon majorities, they could not always be relied upon to protect minorities. Thus, the native Indians and Eskimos were excluded from the franchise until a decade ago, and even today in the Province of Quebec are still excluded from it. As Asiatic immigration commenced, various legislatures not only denied the franchise to these newly arrived peoples, but also restricted their job opportunities, prohibited them from purchasing land in certain areas, and even made it an offence for white girls to be employed by them. Since World War Two, all these legislative schemes, except for the Indian Act, have been repealed. And even that Act is now under extensive review.

However, the past century has shown very clearly both in the United States and here, that the removal of legislative discrimination is not enough. In a man's life, the exercise of the franchise occurs only periodically, and so its denial is not the source of daily irritation nor is it a deprivation of livelihood. Anyone can live without voting, but it is extremely difficult to live without a job or without decent accommodation. It is denial of equal access to jobs, homes, and public accommodation that most seriously affect a person's dignity, self respect, and ability to provide for himself. This is why in the last two or three decades it has been increasingly recognized on this continent that a "shield" against the government is not sufficient, what is required is a "sword" against private individuals and groups who practice discrimination.

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* *All footnotes deleted. Originally printed in* ***The Canadian Bar Review****, Vol. XLVI, 1968, to whom and to the author grateful acknowledgement is made.*

There can be no denying that human rights legislation marks a clear departure from some formerly basic common law rights. If one asserts unlimited freedom of contract, and right to property, then clearly one enjoys the privilege of choosing whom to work with, whom to hire and whom to associate with. As long as one's choice is limited to purely private relationships, the law cannot interfere. However, when a private feeling of prejudice shifts to the realm of discriminatory practices in such public activities as employment, public accommodation, and even rental and sale of real property, then the law has the right to require compliance with certain standards of fair play. In other words, human rights legislation cannot eliminate bigotry and prejudice, but it can put an end to the public manifestation of such feelings which result in discrimination. Opponents of human rights legislation have often argued that the law cannot legislate morality. However, this overlooks the fact that our Criminal Code is based to a large extent upon a commonly accepted moral code. Furthermore, the object of human rights legislation is not to force people to like Negroes or Indians, or Jews, or Catholics, or Scotsmen, or Irishmen: it merely requires that equality of access be assured to all people regardless of their race, colour, religion, sex, ethnic or national origin.

It is proposed in this article to trace briefly the history of human rights legislation in Canada, and then to assess in some detail the administration and enforcement of the most advanced and sophisticated schemes. In Canada these take the form of a Human Rights Code or Act administered by a commission with a full-time staff.

I

Human rights legislation can be traced to pre-confederation times. As early as 1793 the first legislative assembly of the Province of Upper Canada enacted "An Act to Prevent the further introduction of slaves and to limit the term of Enforced Servitude within this Province". Although this statute affirmed the ownership of slaves then held, it did provide that the children of slaves, upon reaching the age of twenty-five years, would be set free. In 1833, this legislation was superseded by the Imperial legislation known as the Emancipation Act, which abolished slavery in all parts of the British Empire.

Modern human rights legislation, however, began over a hundred years later. It involved three major steps. The first was the enactment of prohibitory provisions. In 1944, Ontario enacted the Racial Discrimination Act, prohibiting publication or displaying of signs, symbols, or other representations expressing racial or religious discrimination. In 1947, the Province of Saskatchewan enacted the Saskatchewan Bill of Rights Act. Although the Ontario Act was brief and limited to one specific purpose, while the Saskatchewan Act was detailed and covered many prohibited practices, they had this in common, they were both examples of quasi-criminal legislation.

The Saskatchewan Bill of Rights, which is still in force, is one of the most extensive statutes on civil liberties. The first few sections deal with the fundamental freedoms of speech, press, assembly, religion, association, commonly known as the political civil liberties. It then proceeds to prohibit discrimination with respect to accommodation, employment, occupation, land transactions, education, businesses and enterprises. It purports to bind the Crown and every servant and agent of the Crown.

The enforcement of this legislation is through a penal sanction, that is, the imposition of a fine, or ultimately an injunction proceeding and imprisonment. No provision, however, is made for the administration or enforcement of this Act in a manner other than such as would apply with respect to any other prohibitory statute of the provincial legislature, for instance, the prohibitory provisions in the Liquor Act and the Vehicles Act.

The Saskatchewan Bill of Rights and the Ontario Racial Discrimination Act, as has been stated earlier, were quasi-criminal statutes in that certain practices were declared illegal and sanctions were set out. The experience in the United States in the twentieth century, and in Canada since World War Two, has been that this form of protection, although better than none, is subject to a number of weaknesses. There is reluctance on the part of the victim of discrimination to initiate the criminal action. There are all the difficulties of proving the offence beyond a reasonable doubt, and it is extremely difficult to prove that a person has not been denied access for some reason other than a discriminatory one. There is reluctance on the part of the judiciary to convict, probably based upon a feeling that a discriminatory act is not really in the nature of a criminal act. Without extensive publicity and promotion, many people are unaware of the fact that human rights legislation exists. Members of minority groups who have known discrimination in the past, tend to be somewhat sceptical as to whether the legislation is anything more than a sop to the conscience of the majority. Finally, the sanction in the form of a fine, does not really help the person discriminated against in obtaining a job or home or service in a restaurant.

To overcome the weakness of quasi-criminal legislation, Fair Accommodation and Fair Employment Practices Acts were enacted. These new types of human rights provisions were copied from a legislative scheme first introduced on this continent in the State of New York in 1945. The New York legislation was an adaptation of the methods and procedures that had proved effective in labour relations. Fair Employment and Fair Accommodation Practices Acts provide for assessments of complaints, for investigation and conciliation, for the setting-up of commissions or boards of inquiry when conciliation is unsuccessful, and only as a last resort, for prosecution and the application of sanctions. The first Fair Employment Practices Act was passed in Ontario in 1951. Manitoba in 1953, Nova Scotia in 1955, and in 1956 New Brunswick, British Columbia, and Saskatchewan, all adopted their own Acts similar in design to that of Ontario. On July 31st, 1964, Quebec became the seventh province to place fair employment legislation on its statute books.

The first Fair Accommodation Practices Act was passed by the Ontario legislature in 1954. Other provinces followed Ontario in passing their own. Saskatchewan passed its Fair Accommodation Practices Act in 1956. The prohibitory section of the Saskatchewan Bill of Rights was replaced and expanded to a form similar to that of Ontario. In 1959, New Brunswick and Nova Scotia passed their Acts, also similar in form to that of Ontario. A year later Manitoba followed suit. Although there is no Fair Accommodation Practices Act in Quebec, a section of the Hotels Act forbids discrimination in hotels, restaurants, and camping grounds.

In the field of employment another form of discrimination prohibited in a number of provinces is that between men and women in rates of pay. Equal Pay Acts or provisions were passed in eight provinces - British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Prince Edward Island. Although Quebec has no Equal Pay Act, in June 1964, legislation was enacted to give a "married woman full equal capacity as to her legal rights, subject only to such restrictions as arise from a matrimonial regime". Somewhat similar to equal pay legislation are Age Discrimination Acts which have been enacted by the Province of Ontario and British Columbia.

The Fair Accommodation and Fair Employment Practices Acts marked a considerable advance over the quasi-criminal approach to human rights legislation. In the place of the laying of an information leading to a prosecution, provision is made for the filing of complaints, followed by the administrative proceedings of investigation and conciliation. It does place the administrative machinery of the state at the disposal of the victim of discrimination, but it approaches the whole problem as if it were solely his problem and his responsibility. The result is that very few complaints are made and very little enforcement is achieved.

In 1962, Ontario went further by consolidating the province's human rights legislation into the Ontario Human Rights Code, to be administered by the Ontario Human Rights Commission which had been established a year earlier. In 1963, Nova Scotia in its turn enacted a comprehensive Human Rights Act, but did not provide for a commission until 1967. Alberta enacted its first human rights legislation in 1966, providing for a Commission to administer a comprehensive Human Rights Act. In 1967, New Brunswick adopted its Human Rights Act, with a Commission to administer it. In 1968 Prince Edward Island became the fifth province to enact a comprehensive Human Rights Code.

There are two important features which advance the effectiveness of Human Rights Codes over such statutes as the Fair Accommodation and Fair Employment Practices Acts. In the first place, the latter are directed towards discrimination in one area, that is, employment or public accommodation. The Human Rights Codes or Acts, on the other hand, prohibit discriminatory practices in a number of fields - employment, public accommodation, housing and dwelling units, advertising, and so on. Second, administration of the Fair Accommodation and Fair Employment Practices Acts is usually entrusted to some officer in the Department of Labour (in Saskatchewan it is the Attorney General), who carries out this task in addition to his main responsibility in other areas in the Department. Except for Alberta, where administration is by a Director, the Human Rights Codes or Acts are administered by part-time Commissions, usually composed of independent persons outside the civil service. In addition, in New Brunswick and Alberta there is a full-time officer and a secretary. In Ontario the Commission has, in its head office and three regional offices, sixteen full-time officers, a part-time librarian and a secretarial staff of nine full-time and three part-time.

The consolidation of human rights legislation into a code to be administratively enforced by an independent commission insures community vindication of the person discriminated against. This is important to the community itself because of the broad educational value of equal treatment. However, it is important to the people who have suffered from discrimination, because without such active community involvement, the mere proclamation of human rights tends to soothe the conscience of the majority, without producing tangible changes. Victims of discrimination are often reluctant to "cause trouble". Sometimes, they lack knowledge of the purpose and scope of human rights legislation. Without encouragement they will not make use of it to help themselves. The objects and purposes of a human rights commission administering a human rights code have been cogently summed up by Dr. Daniel Hill, Director of the Ontario Human Rights Commission.

> *Modern day human rights legislation is predicated on the theory that the actions of prejudiced people and their attitudes can be changed and influenced by the process of re-education, discussion, and the presentation of socio-scientific materials that are used to challenge popular myths and stereotypes about people...Human rights on this continent is a skilful blending of educational and legal techniques in the pursuit of social justice.*

To put this more bluntly, human rights legislation is a recognition that it is not only bigots who discriminate, but fine "upright, gentlemanly" members of society as well. It is not so much out of hatred as out of discomfort or inconvenience, or out of the fear of loss of business, that most people discriminate. As far as possible, these people should be given an opportunity to re-assess their attitudes, and to reform themselves, after being given the opportunity of seeing how much more severe is the injury to the dignity and economic well-being of others, than their own loss of comfort or convenience. However, if persuasion and conciliation fails, then the law must be upheld, and the law requires equality of access and equality of opportunity. This is the "iron hand in the velvet glove".

II

As stated earlier, the Ontario Human Rights Commission is by far the most active in Canada. The Ontario Human Rights Code, as well as the Human Rights Acts of Alberta, New Brunswick, Nova Scotia, and Prince Edward Island, are the most comprehensive legislative schemes in Canada for the promotion of human rights. This assessment of administration and enforcement techniques will, therefore, be confined largely to these examples of human rights legislation in Canada.

THE COMPLAINT

All the Human Rights Acts make provision for the initiation of proceedings through a written complaint on a form prescribed by the administering agency, made by the person claiming to be aggrieved. This is unlike the situation in several states in the United States, where provision is made for a person other than the victim of discrimination to lay a complaint. Members or officers of the administering agency, or interested private groups may initiate complaints.

There are two main arguments against providing for the laying of complaints by persons other than the victim himself: 1) It is important for the administering agency to have the evidence of the person with first hand knowledge, particularly if the complaint is to reach a hearing stage. 2) Permitting persons other than the victim to lay complaints leads to the institution of "put-up" test cases.

There is certain merit in the first argument, because certainly it would be detrimental to the best operation of human rights legislation if the administration were to proceed merely on rumour or second-hand information. However, certain prohibited activities such as publishing or displaying discriminatory notices, signs, or emblems, can come within the first hand knowledge of commission officers or private groups. It is rather unlikely that a private individual would be moved to institute proceedings under this provision, or provisions which prohibit advertising which discriminates on the ground of age.

Furthermore, the use of public accommodation is basically transitory, that is, a person may be passing through a town, and may order a meal in a restaurant, or try to get a hair cut, or a room in a hotel. If he is denied such access to public accommodation, it is rather unlikely that he will lay a complaint unless he happens to live in the locality and intends to return. Finally, it must not be forgotten that human rights legislation prohibits acts which depend upon the fact of the existence of a certain motive. This is a matter peculiarly within the mind of the respondent. In other words, a proprietor or landlord, or employer, can give many different reasons why he denied a certain person a hotel, an apartment or a job. The person who has been denied access is faced with an almost impossible task in disproving the reasons given to him. In many cases proof can be obtained if a person who is not a member of the group discriminated against is willing to testify and can, immediately after the victim's discrimination, obtain access to the same accommodation or employment. Finally, although test cases may involve deception to the extent that the person attempting to obtain the evidence may not want the accommodation or the employment which he asks for, the deception does not diminish the veracity of the fact of discrimination. "The proponents of test cases are not trouble-makers. They are trouble finders". If the trouble were not there in the form of a discriminatory act, they would not find it.

The Ontario Code and the Alberta Act provide for the making of a complaint on the ground that the complainant has been discriminated against. Unless these provisions receive very liberal construction they would not seem to permit the laying of a complaint for an alleged act of publishing or displaying a notice, sign, or symbol indicating discrimination, nor would they appear to refer to discriminatory advertising. The link between these acts and the fact of someone suffering discrimination is tenuous indeed. A preferable wording is to be found in The Human Rights Acts of New Brunswick, Nova Scotia, and Prince Edward Island, all of which permit the making of a complaint for "an alleged violation of this Act".

In order to provide for the laying of complaints under any provision in the human rights statute, and in order to permit persons other than the ones directly aggrieved to lay complaints, a provision like the following would seem to be more suitable:

> *Any person may, by himself or through his agent, make a complaint alleging that a violation of this Act has been committed*

None of the Human Rights Acts in Canada places time limits on the laying or processing of complaints. As far as a time limit on the processing of complaints is concerned, although promptness is important, the volume of complaints received and the personnel available to process them will be the important determinants. However, a time limit should be placed on the laying of complaints. Because of the peculiar nature of human rights legislation, with the primary emphasis on education, and attempts at persuasion and conciliation, the time from the alleged prohibited act to final settlement is long enough anyway. With the possibility of a hearing being necessary, it is important to keep this time lag between the events and the presentation of the evidence of these events as brief as possible. Besides, just as it is important that the victim should receive vindication as soon as possible, so it is important that a respondent not be kept in suspense indefinitely. On the other hand, certain discriminatory acts, such as discriminatory advertising, must be observed over a certain period of time, and so the time limit cannot be too short. As a compromise, a time limit of six months would seem to be appropriate.

INVESTIGATION AND CONCILIATION

Following the laying of a formal complaint, the administering agency is charged with investigation and attempted settlement. None of the statutes make provisions for a separation of the function of investigation from that of settlement, probably because of lack of personnel. The equivalent provisions in many jurisdictions in the United States make clear provision for such separation. It is most important that the same be provided in the human rights legislation in Canada. This is most important from the point of view of the protection of the civil liberties of the respondent, as well as of the complainant or the victim of discrimination, and also from the point of view of the effectiveness of the Commission's work.

As far as the respondent is concerned, he is entitled to certain protections which have been developed as being necessary in the administration of criminal law. The administration of human rights legislation can be no less concerned with such protection, even though the proceedings are administrative only, rather than criminal.

When a complaint has been filed, it is at this stage no more than an allegation. An investigation is required to see whether the allegation is sustained. No effort should be made at this investigation stage to conciliate or negotiate a settlement, because either of these techniques implies at least partial implication that the alleged prohibited act has been committed. On the other hand, the complainant has a right to know whether his complaint will be dismissed out of hand, or whether the investigator concluded that it was partly sustained, or whether in the investigator's opinion it is wholly sustained.

After ascertaining the facts as far as he is able, the investigating officer should make a determination either that there is probable cause for concluding that the offence occurred, or that the complaint is groundless. Only after a determination of probable cause should attempts be made to conciliate or to negotiate a settlement. Moreover, if at all possible, the negotiating or conciliating should be conducted by someone who did not investigate that particular complaint.

On the other hand if a determination is made that there is no probable cause, the complainant should be given the opportunity to appeal such determination to the Commission. There should be a limit placed upon the time within which he can appeal. However, such an appeal is important if we are to balance the interests of the complainant and the respondent.

From the point of view of the effectiveness of the Commission's work, it is important that the functions of investigation and settlement be separated. The process of investigation will almost inevitably arouse a certain amount of hostility on the part of the respondent towards the investigator. It is unlikely that he would be as prepared to discuss terms of settlement with an investigator as he might be with someone else, even though that someone else is from the same government agency. Besides, the skills required in order to be a successful investigator are different from those required for effective negotiation. Not many individuals can adequately exercise both skills. Above all, even if these assertions are incorrect, it is unlikely that a respondent would speak as freely, or negotiate as co-operatively, if he knows that the gist of what he says or writes, or even the whole of what he has said or written, would be submitted as evidence at a subsequent Board of Inquiry.

For all these reasons, it is most important that the functions of investigations and settlement be conducted by different individuals, if at all possible. Sometimes this is not possible because of lack of personnel, or because the respondent and the place where the pertinent events occurred are too distant from a Human Rights Commission Office. In that situation, if it becomes necessary for the same officer to conduct the investigation and then make an attempt at settlement, at the least such officer should leave the respondent after completing the investigation, assess the evidence, and only after concluding that there is probable cause should he return to attempt settlement.

In any event, evidence of what was said or written in an attempt to negotiate a settlement which was not concluded should never be given at a Board of Inquiry. If the two functions of investigation and settlement are conducted by two separate individuals, only the one conducting the negotiating should be permitted to testify. If the two functions must be performed by one individual, then he must not be permitted to testify with respect to the conciliation and attempted settlement.

One final important aspect of the process of investigation should be discussed in the light of the above recommendation, and that concerns the powers of the investigating officer. None of the human rights Acts in Canada give to the investigating officer the right to inspect pertinent documents or premises. These powers would seem to be reserved in each case to the boards or commissions conducting the subsequent inquiries at the hearing stage. This is often too late for effectiveness. In employment cases records may be important. These can be destroyed or altered before the hearing stage. In dwelling accommodation cases it may be important to inspect the premises to see whether they are occupied, if that is the reason given for denial of access, or whether they come within the definition of a dwelling accommodation set out in the Act.

The lack of power to compel discovery of documents may result in unfairness to a respondent as well. If the respondent is an agent for another, it may be important to compel disclosure of the principal. This may not be a problem in the case of a master-servant relationship, but it may be crucial if the relationship between the agent and the principal is more analogous to that of an independent contractor. Thus, where an employment agency refuses to hire or refer an application because of the directions it receives from employers, the agency may be extremely reluctant to disclose the identity of the employer for fear of losing business. And yet, it may not be fair to compel such disclosure at the public hearing stage, because the employer has not been given a prior opportunity to discuss the case with the Commission with a view to settlement.

Without the power in the investigating officer to compel discovery of documents or to inspect premises, not only is there undue delay, not only may the work of the administering agency be thwarted, but the lack of such powers may even be unfair to a respondent or to his undisclosed principal.

In granting this power to investigating officers it is necessary to consider whether it should be provided for automatically or only with approval of another authority. For the protection of respondents, and for uniform supervision of investigations, it would seem to be preferable for the human rights officer to investigate and inquire without the right to compel discovery or inspection. If the human rights officer does not receive the co-operation of the respondent, he should get the written authority of the administering agency to get access and to compel discovery.

To summarize this discussion regarding the investigation and conciliation stages of a complaint, the following provisions are recommended for adoption in human rights codes:

a) After the filing of a complaint a prompt investigation in connexion therewith shall be made by one of the Commission's officers for the purpose of determining whether probable cause exists for believing the allegations made in the complaint. If in the course of the investigation the respondent or anyone on his behalf refuses to permit the investigating officer to inspect pertinent documents or premises, the Commission may give written authorization to such investigating officer to compel discovery of documents or inspection of premises or both.

b) If, following the investigation, the determination is made that there is no probable cause, the complaint shall be so informed. He may then, within a period of two weeks, appeal to the Commission for a reconsideration.

c) If, following the investigation, the determination is made, either by the investigating officer, or by the Commission upon the appeal of the complainant, that there is probable cause for believing the allegations in the complaint, an immediate attempt shall be made by one of the Commission officers to end the complained of prohibited act by conference, conciliation or persuasion. No disclosure shall be made of what transpired during such attempts at settlement, except the terms of the settlement itself if one is concluded.

THE HEARING

The hearing provided for in Canadian human rights codes is conducted by a board of inquiry. The persistent question - What's in a name? - may be an important one in administrative law. Is it the name of the hearing agency or some other factors which determine its powers and procedures, and whether there is any right of appeal from or review of the findings, report or order made by such an agency?

The hearing agencies are called boards of inquiry or commissions of inquiry, they are given the powers either of a conciliation board under the Labour Relations Act or a Commission under the Public Inquiries Act, and they make recommendations upon which a ministerial order may be made. In all three ways, they have characteristics which would lead to the conclusion that they are investigatory and not adjudicative agencies. From the name, the flexibility of procedure, and from the fact that they make recommendations rather than determinations, the hearing agencies are more in the nature of inquiries than quasi-judicial proceedings. Presumably, then, there are no absolute procedural requirements which must be observed by them. Nevertheless, I would suggest that the requirements of natural justice are intended to apply to the procedures of the boards or commissions of inquiry, and that judicial review should be provided for specifically.

a) Powers and Procedures

As far as procedural requirements are concerned, the intention is clear that although the normal evidentiary and procedural rules of a court are not required, there are basic rules of fairness for the protection of the civil liberties of the respondent, known as the rules of natural justice, which must be complied with.

One of the leading English authorities on judicial review of administrative action, Professor S.A. de Smith, suggests that there are only two fundamental rules of natural-justice-the right to be heard and the right to be heard by an impartial tribunal. I would expand this to state that what is required is notice to the respondent of the case he has to meet, the right to be represented by counsel who has an opportunity to cross-examine witnesses called by the Commission, the right to call and examine his own witnesses, and the right to arguments at the conclusion of the hearing.

All of these rights are provided for by the human rights codes which require that notice be given to the respondent, and that the parties be given full opportunity to present evidence and to make submissions. These protections, as well as others such as the holding of public hearings, and the appointment of independent hearing officers, which have been provided in the past under the Ontario Human Rights Code, can be recommended as being required in the future. In fact, as far as the hearing is concerned, the only major recommendation that should be made is the one mentioned earlier with respect to evidence regarding the conciliation and settlement phase of the Commission's administration. It is most important that statements made or written during that stage be privileged.

One further comment should be made, and that is with respect to the power of the board of inquiry in compelling witnesses to attend, to give evidence, and to produce documents. At the moment there is some doubt as to the powers of boards to enforce attendance, or the production of documents in their own right. Can they cite for contempt? The power to cite for contempt is a drastic one involving confinement and thus deprivation of liberty of movement. The recommendations of the Ontario Royal Commission Inquiry into Civil Rights should be adopted to provide that the board may summon witnesses to attend and produce documents, but that the power to cite for contempt be retained by the Supreme Court to be granted on application by the Board or the Commission.

b) Appeal and Review

Of perhaps greater importance is whether there is presently a right of appeal or review, and if not, whether there should be one. There is no appeal from a finding of an administrative tribunal unless it is specifically provided for, and only the Alberta Human Rights Act does so provide. It is rather unusual today to find legislation providing for the right of review. If anything, many statutes attempt through privative or finality clauses to withdraw such right. In either case, that is, where the statute is silent with respect to review, or where a privative or finality clause is included, the possibility of review depends upon the type of function that the agency is said to perform. This in turn may be determined, to some extent, by the powers of the agency, or by the procedure it is required to follow in carrying out its functions.

Do the boards or commissions of inquiry exercise a judicial or quasi-judicial function so as to be subject to review by way of certiorari and prohibition? When an administrative agency merely hears and reports to another that makes the decision then it is not, presumably, exercising a judicial or quasi-judicial function. Since the boards of inquiry report and merely recommend a course of action to human rights commissions or directly to the Minister, and since only the Minister in each case determines the course of subsequent action then, presumably, the boards of inquiry would not usually be considered judicial or quasi-judicial, and so not subject to judicial review. However, on the other hand, the boards of inquiry are specifically required to give the parties "full opportunity to present evidence and to make submissions".

To remove any doubt, a right of review of the determinations of boards of inquiry should be provided for. There are a number of arguments in favour of this. In the first place, the words of Mr. Justice Schroeder of the Ontario Court of Appeal in Re Ontario Crime Commission, Ex parte Feeley and McDermott apply with emphasis to proceedings under human rights legislation. The persons affected, "have come under the full glare of publicity", and it is only fair and just that they be afforded all protection consistent with the administration of the legislation. Secondly, where the statute itself provides for the giving of notice and a full opportunity to be heard, there is need to ensure that this is preserved. Finally, since human rights legislation is a part of the whole field of civil liberties, it is important that other aspects of civil liberties be observed while furthering the purposes of human rights. Any man regardless of his ability, training, and fair-mindedness, can over-step the bounds of his jurisdiction or overlook, ignore, or forget about the procedural requirements of natural justice. The more informal atmosphere of an administrative tribunal can sometimes lend itself to this. The role of judicial review is to keep the tribunal within its jurisdiction observing the rules of natural justice.

It is not the role of the reviewing tribunal to substitute its own judgment for that of the hearing officer or officers by way of an appeal.

There has been criticism of judicial review of administrative action as it has sometimes been practised. Administrative tribunals are composed of individuals with some or considerable expertise in the subject matter within their jurisdiction. At times the review of a board composed of several experts has been conducted by a single judge having no specialized knowledge of the subject matter of the legislation, and sometimes even a hostility to its objectives. At times, under the guise of determining jurisdictional questions, the reviewing court has actually substituted its own opinion for that of the tribunal on a matter strictly within the tribunal's jurisdiction. Often the very intricate requirements of the various types of review have resulted in delays and added costs to all concerned.

Two of the reforms suggested by the Ontario Royal Commission Inquiry into Civil Rights, if instituted, should remove many of the criticisms of judicial review as it is now practised. One of these is that a standard form of review be used to replace all types now current. The other is that all applications for review be heard by a new Appellate Division of the High Court. When these reforms are instituted there should be no hesitation to provide a right of review of boards of inquiry under human rights legislation in Canada.

ENFORCEMENT

Enforcement of human rights legislation in Canada is provided for through a penal provision for non-compliance with a ministerial order made pursuant to an inquiry, as well as for the act of discrimination itself. It will be argued that these forms of enforcement should be changed.

a) The Order

In Ontario and New Brunswick the board of inquiry submits its report and recommendations to the Commission which then recommends to the Minister what course of action should follow. The Human Rights Acts of Alberta, Nova Scotia, and Prince Edward Island do not provide for prior submission to a Commission. In all provinces the Minister may make whatever order he deems necessary to carry the recommendations of the board into effect. Thus, in essence, the recommendations of the board are subject to a form of review at one or two different stages. This is desirable as a protection both for the complainant and for the respondent. However, no provision is made for either the complainant or the respondent to make representations. Although such may occur in practice, this does not really amount to an appeal or review since both sides are not heard. If that is so, it is just as well that the findings of the board be treated as orders, subject to judicial review. They could be enforced by filing with the superior court of the province, whereupon they would have the same force and effect as if they were orders of the superior court.

What is being suggested here is that provision be made for filing the recommendations of the board with the Supreme Court, and that thereupon these be enforceable as an order of the Supreme Court. The board would still send its findings to the Commission in those provinces where this is now being done. This would enable the Commission to have one last informal meeting with the complainant and the respondent to see whether a settlement can be reached for voluntary compliance with the board's recommendations. If not, enforcement would be achieved, not through a ministerial order, but through enforcement by court order.

It should not be forgotten, however, that most complaints are settled by voluntary agreements without a board of inquiry being called, and thus without the issuance of any order. If these agreements are not to be used for the subversion of the object of human rights legislation it is important that they be enforceable as stringently as orders pursuant to determinations by boards of inquiry. In any case, whether a complaint is terminated by a settlement of an order, certain forms of redress for the victim will be outlined. In addition, certain modes of compliance in order to show good faith are usually required of the respondent. Therefore, subsequent supervision and compliance investigation must be specifically required.

b) Penal Provisions

Earlier in this article, a number of arguments were presented in favour of replacing the penal approach to enforcement of human rights by the current method of combining education with enforcement by a Commission through investigation, conciliation, and settlement, and ultimately through the administrative agency known as the board of inquiry. To these arguments I would add others.

If there is a possibility of prosecution for the act of discrimination, the whole of the antecedent procedures must be tested, to some extent at least, by the usual procedures in the administration of criminal law. The powers of investigation, questioning, requiring the discovery of documents, and so on, must be subject to the most stringent protections for the citizen. Furthermore, there is no doubt that under its present powers under the Labour Relations Act or the Public Inquiries Act, as the case may be, the board of inquiry can make a determination on the basis of the preponderance of evidence. However, since the act of discrimination may also be the subject of a prosecution, some questions are inevitably raised by members of the legal profession as to whether the determination should be made unless the complaint is proved beyond a reasonable doubt. Then, too, since proof of discrimination involves proving a motive which is rather easy to disprove, it is difficult to prove the act of discrimination beyond a reasonable doubt. It is not so difficult to prove it by a preponderance of evidence. The result may be that the board of inquiry will find that the act of discrimination was committed, and a criminal court, not satisfied beyond a reasonable doubt, may acquit. If this were to happen, great discredit may result to the administration of human rights provisions. Finally, the primary object of human rights legislation is to obtain compliance through an agreed settlement. This requires negotiation and conciliation. This process is foreign to criminal law. When the act of discrimination is made a crime, the whole process of negotiation, conciliation, and settlement could be likened to compounding a criminal offence.

For all these reasons it is recommended that there be no penal provision for the act of discrimination itself. The preferable form of enforcement has been outlined in the previous section. However, a penal provision is required for a different purpose, and that is to prohibit interference with or obstruction of the administration and enforcement of human rights legislation.

Interference or attempted interference with, or the obstruction of the administration and due enforcement of human rights legislation can result from undue pressure on any one of: the complainant, a prospective employee, an employee, a witness, officers or members of a Commission, or the board of inquiry. Interference or obstruction may also arise from destruction of or tampering with documents.

A person who feels he has been discriminated against may be afraid to make a complaint. If there is genuine fear by such a person that he will suffer upon the making of a complaint-whether this suffering will be at the initiative of the prospective respondent, or some other employer, or a trade union, or an employment agency-legislative measures must be adopted to give such prospective complainant protection. Even if his fears are unjustified, or if the fear is merely of the opprobrium of others, or if this person is a timid soul, legislative support can be important.

The person who is threatened or coerced may not be a complainant, but may be a witness or a potential witness. He may be instructed or ordered not to reveal himself as a person with knowledge of the pertinent facts, or he may be instructed or ordered to perjure himself or at least "edit" his testimony. It may even be that there has been no threat at all, but the potential witness may know what has happened to others who have testified, or may even think he knows. Again, whether the fear is justified or not, there is need for a legislative provision to render protection, or at least to induce co-operation by providing the confidence that comes with legislative protection.

The interference or obstruction may be directed against an officer of the Commission, a member of the Commission, or the board of inquiry. In its most raw form, the interference may be a physical one directed against the investigating Human Rights Officer or at the conciliator. It may be that there would be reluctance on the part of the Human Rights Officer to lay a charge of assault and battery or to bring a civil action. Nevertheless protection may prove necessary. At any level, attempts may be made to apply political pressure. Although such attempts would certainly be resisted, it would save a lot of time and embarrassment to the one refusing, rejecting, or resisting, if there were a provision making it a prohibited act to interfere or attempt to interfere with, or obstruct, the administration and due enforcement of the human rights statute.

With respect to destruction and alteration of pertinent documents, it must be remembered that quite often important evidence in employment cases depends upon documents which are in the control of the respondents or those acting on their behalf. It is very easy to alter job orders. If Human Rights Officers are limited to the right to order discovery, or the right to subpoena documents, it is necessary to rely upon documents being unaltered. Making such destruction or falsification a prohibited act would discourage law-abiding citizens from doing so.

It would be possible to set out separate provisions for each type of interference or obstruction mentioned above. However, there is a sufficient inter-relationship and identity between them to draft one general, all-inclusive provision. The following would be recommended for adoption:

> *Any person, employer, employment agency, or trade union, who or which shall wilfully resist, prevent, impede or interfere with the Commission or its members or officers in the performance of their duties under this Act, or shall, directly, or indirectly, retaliate or discriminate against any person because he has filed a complaint, testified or assisted in any proceeding under this Act, is guilty of an offence and on summary conviction is liable...*

If the penal provision is adopted either as a separate section or in conjunction with the prohibition of interference with complainants or witnesses, it must be clear that the usual negotiation, defence, and review proceedings are excluded from such provision. If there is any doubt about this it would be important to include the following proviso:

The process of argument, discussion, negotiation at the conciliation stage, and the normal process of participating at a hearing, or subsequently in proceeding for review, shall not be deemed to be such wilful conduct.

NEW METHODS TO PROMOTE HUMAN RIGHTS

Comprehensive human rights codes such as those discussed in this article are relatively new in Canada, except for Ontario. In view of this, except for Ontario, the emphasis must be still on publicity of the existence of the legislation, and on education, rather than on vigorous enforcement. However, if after an interim period the transition to enforcement is not achieved, the various human rights statutes will constitute a sham. The enforcement techniques discussed here will have to be applied if the human rights statutes are not to deteriorate to pious but ineffectual declarations. This is particularly important because immigration from non-European countries is increasing. In addition, new techniques will have to be devised in view of the intractability of the problem of Indian poverty and the continuing lack of equality of opportunity faced by the Indian population.

a) Contract Compliance

Contract compliance is a procedure which has not yet been tried in Canada, but which is increasingly being instituted by the federal authorities in the United States, and by some state commissions like the Michigan Civil Rights Commission. By section 4 of the Michigan Fair Employment Practices Act, every contract with public authorities must include a provision requiring the contractor and his subcontractors not to discriminate contrary to the provisions of the human rights legislation. The Contract Compliance Division of the United States federal government in enforcing similar requirements, has a time limit within which to review those who tender bids on government contracts. The Contract Compliance Division could recommend that the contract not be granted to a bidder who is not in compliance. Both the Michigan and federal Contract Compliance Divisions investigate to see that those who have already been granted government contracts comply with the human rights provisions in force in the respective jurisdictions.

Contract compliance provisions can be one of the most effective methods of overcoming systems or patterns of discrimination that often do not lend themselves to an enforcement which relies upon individual complaints. Furthermore, these procedures are educational in that they bring the human rights legislation to the attention of people who might otherwise ignore it. They enable Human Rights Commissions to work with an employer before any tension arises because of an incident which leads to a complaint. In Canada, such provisions covering contracts with public authorities would give added effect to the assertions in the preambles to most human rights statutes that promotion of human rights is public policy in the province. There will be scepticism as to the sincerity of these declarations if public bodies contract with individuals who, or corporations which, are not required to comply specifically with human rights provisions.

b) Display of Human Rights Codes by All Places of Public Accommodation

The issue of a license is deemed to be the granting of a privilege. Therefore, provincial or municipal authorities which issue licenses for the operation of businesses require compliance with certain criteria deemed necessary for the protection of the public. If the enforcement of human rights statutes is public policy in the province, there is no reason why places of public accommodation should not be required to post human rights codes prominently. The present practice has been to require this as a condition in the terms of settlement of a complaint. This is at best a "hit or miss" technique. The posting of human rights codes in premises offering service to the public would be an effective means of widespread publicity.

c) Valid Employment Criteria

Two assumptions underlie the present philosophy of human rights legislation: 1. Employment qualifications are based upon bona fide criteria; 2. Members of minority groups who suffer discrimination are prepared to meet such qualifications. Both assumptions are often not true. Many employers use sets of standards and other employment criteria which have no valid relation to job requirements. Often these innocently or deliberately serve to disqualify members of minority groups.

Moreover, many members of minority groups lack the training necessary to compete on equal terms for jobs or promotional opportunities.

Employers who contract with public agencies should be required to co-operate with the Human Rights Commission to review job requirements and even to provide on-the-job training. Other employers should be encouraged to do the same. This approach is particularly important in areas such as those in Northwestern Ontario and Halifax where there are large enough concentrations of disadvantaged minority groups like Indians or Negroes to make such a programme practical.

CONCLUSION

Human rights legislation was long overdue in the Western world, and is a recognition for the first time of the sameness of all men, of the fact that there can be no real dignity of any man unless society dedicates itself to ensuring the dignity of all men. Any man who is unmoved by the suffering and oppression of another is to that extent less a being of feeling and compassion, and thus less a man himself. In today's "global village", more than ever before, the question - Who is my neighbour? - cannot be answered with qualifications of race, colour, or creed.

Gerald Boudreau, regional supervisor, Northern Region, is shown in the informal discussion on the ***Textbook Analysis*** *with participants from Yarmouth and vicinity.*

[illegible]

JOHN SOPINKA *

Sometimes a defeatist reaction to the experience of discrimination is: "But you can't prove it!" The fact is that, before most of the Boards of Inquiry held under section 14 of the Ontario Human Rights Code, it is "proven" to the satisfaction of the Chairman of the Board of Inquiry.

Author's Note: In keeping with the title of this article the emphasis is placed on proving discrimination rather than on conciliating the complaint between the complainant and the respondent, which is perhaps the Commission's more vital function. Some of the recommendations herein with respect to the conduct of the Human Rights Officer may not be appropriate where conciliation is the primary goal. In such a case, in order to encourage a frank disclosure to further the effort to achieve a settlement, it is often desirable to conduct interviews in as informal a manner as possible. Indeed, there is a serious question whether the results of the interview should be admissible at all at a later stage, if settlement was the prime purpose. This dual function of the Commission's investigation creates a dilemma. The fruits of the investigation, which from one point of view should perhaps be privileged, are, from the other point of view, essential evidence where settlement is not achieved. - JS

The vast majority of cases in which The Ontario Human Rights Commission is called upon to prove discrimination fall into one of three categories:

1. Discrimination with respect to employment.
2. Discrimination with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted.
3. Discrimination with respect to the sale or rental of commercial or self-contained dwelling units.

There are three basic elements in the proof of a violation of the Code in these areas:

1. Proof that the Code applies to the respondent, i.e. that he is an employer, operates a place to which the public is customarily admitted or, if the case falls within category (3), that the unit is a commercial or self-contained dwelling unit.
2. Proof that there has been a denial, refusal or that the complainant has been treated differently from others.
3. Proof that the reason for the denial or differentiation is based on race, creed, colour, nationality, ancestry or place of origin of the complainant.

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* *Originally printed in **Human Relations**, Vol. 12. No. 20, February, 1972, to whom and to the author grateful acknowledgement is made.*

The first two elements are usually susceptible of direct evidence and occasion little difficulty in the way of proof. With respect to (1), if the jurisdiction of the tribunal is challenged, it would appear from the decision of the Supreme Court of Canada, in the case of Bell v. Ontario Human Rights Commission (1971), 18 D.L.R. (3d) 1, that this must be proved first before the inquiry proceeds. In the absence of a specific challenge as to jurisdiction, it can be proved during the course of the hearing. It is a physical fact that can be proved easily by direct evidence.

Similarly, the refusal or denial or differential treatment of the complainant can usually be proved through the direct evidence of the complainant.

The more difficult problem of proof with which this article is concerned is to show that the reason for denial, refusal or differentiation was based on race, creed, colour, nationality, ancestry or place of origin of the complainant, or to put it into popular language, that there was discrimination.

Discrimination is seldom susceptible of direct proof. A judge trying a divorce case once said that people do not commit adultery on a street corner. Neither do they openly admit discrimination by advising the prospective purchaser, tenant, employer, customer or guest that he is being refused because of race, creed, etc.

Discrimination must, therefore, be proved by circumstantial evidence, that is, it must be inferred from a series of circumstances from which the Board is asked to conclude that discrimination exists.

If the respondent is shown to have refused the complainant or differentiated on the basis of race, creed, etc., it is immaterial what the respondent's motive may have been. It is not material that the discriminator has no personal prejudice. Indeed, many respondents claim that they are personally not prejudiced but that the denial or differentiation is necessary because other tenants or customers would object. The best motive in the world, however, will not avail the respondent.

If, then, it is seldom possible to have direct evidence of discrimination, how is it established? It is submitted that a prima facie case of discrimination is established when there is a denial or differentiation and the reason advanced at the time of such refusal or differentiation is proved to be false. The reason given for the refusal having been shown to be false, the inference is that the real reason is based on race, creed, etc., unless the respondent produces a satisfactory explanation why a spurious reason was initially given and satisfies the tribunal that the real reason is not based on race, creed, etc.

In proving discrimination, therefore, the reason initially given for the denial or differentiation assumes considerable importance. Accordingly, in the initial interview between the Human Rights Officer and the complainant, the conversations between the complainant and the respondent should be carefully recorded verbatim by the investigator. At that early stage the investigator should not discard any of the conversation as being irrelevant. What may appear irrelevant at that stage may become highly relevant when the respondent has been interviewed or perhaps not until after the respondent has given evidence. The same applies to the officer's interview with the respondent and other witnesses who may have been privy to the conversations between the complainant and the respondent. In cases in which discrimination in fact exists, the reason given for the denial or differentiation is spurious and almost invariably is hastily conceived. In the interval between the denial and the interview by the Human Rights Officer the respondent frequently recasts his reasons for rejecting the complainant. The new reason should be carefully recorded and, if possible, a signed statement obtained. The respondent should also be asked to confirm, or otherwise, the original reason given to the complainant. If a signed statement is obtained, it should conclude with an assertion that it contains all of the respondent's evidence on the subject of the complaint.

If a signed statement cannot be obtained by the Officer, he should make careful notes of the interview, all of which should be carried into any report subsequently prepared. If part of the conversation is left out, it leaves the Officer open to the criticism that he has been selective. It also enables the respondent to add to what he has previously said, relying on the incompleteness of the Officer's report. In order to prevent this, in cases where the respondent will not sign a statement, he should be asked to read the report and acknowledge that it is a complete record of the interview. Such an acknowledgement should be recorded by the Officer. A respondent who will not sign a statement will usually consent to read the report and acknowledge its accuracy. If he does not, he cannot later complain that it is inaccurate or incomplete.

The falsity of the reason given to the complainant can be proved in many cases by independent evidence, as for instance evidence from a newspaper or the tenant of an apartment building that an apartment, said to be rented, was subsequently advertised and available. In other cases, where the reason given is more subtle, it may be necessary to call the Human Rights Officer. For example, if the initial reason for refusal is that the respondent believed that the complainant had previously misconducted himself in the premises, it may not be sufficient to prove that the complainant had not. It is usually necessary to also negative the inference that the respondent made an honest mistake. Before a Board of Inquiry in which the respondent is not immune from testifying, it is preferable to refrain from calling the Officer until after the respondent has testified. Indeed, it may be possible to negative the inference of an honest mistake in the cross-examination of the respondent. In a prosecution, however, the accused may elect not to testify and therefore it is necessary to call the Officer before the case for the prosecution is closed. The Officer's testimony that the respondent assigned a different reason for the refusal after the event will cast sufficient doubt on the bona fides of the original reason given to the complainant to negative the inference of honest mistake.

Once the falsity of the reason for denial, refusal or differentiation is established, the stage is set for the respondent's explanation of his conduct. It is not difficult for a clever respondent to find what would have been a valid reason for refusing to employ a person or to sell or rent premises to him. The proprietor of a hotel or restaurant is somewhat more restricted. The respondent's difficulty, however, is to explain why he did not give the "real reason" when the complainant presented himself. Even here, however, ready and plausible explanations are not hard to find — he may say that he did not wish to hurt the complainant's feelings by telling him that he appeared incompetent, untidy or insolvent. Due to the ready availability of explanations, the task of the cross-examiner is to demonstrate that the explanation has been manufactured. The success or failure of the cross-examination will depend to a large extent on the thoroughness and careful recording of the Officer's interview with the respondent. The results of such an interview will be that the evidence of the respondent has been "tied down" and any departure from it at the hearing reflects adversely on the credibility of the respondent.

Frequently, counsel for the respondent will allow him to give evidence without asking for the Officer's report. The almost inevitable result is a marked departure from the respondent's previous statements and in many cases a new set of reasons for refusal. This may result in the existence of three separate reasons all advanced by the respondent:

(a) the reason given to the complainant;
(b) the reason given to the Officer;
(c) the reason given in the witness box.

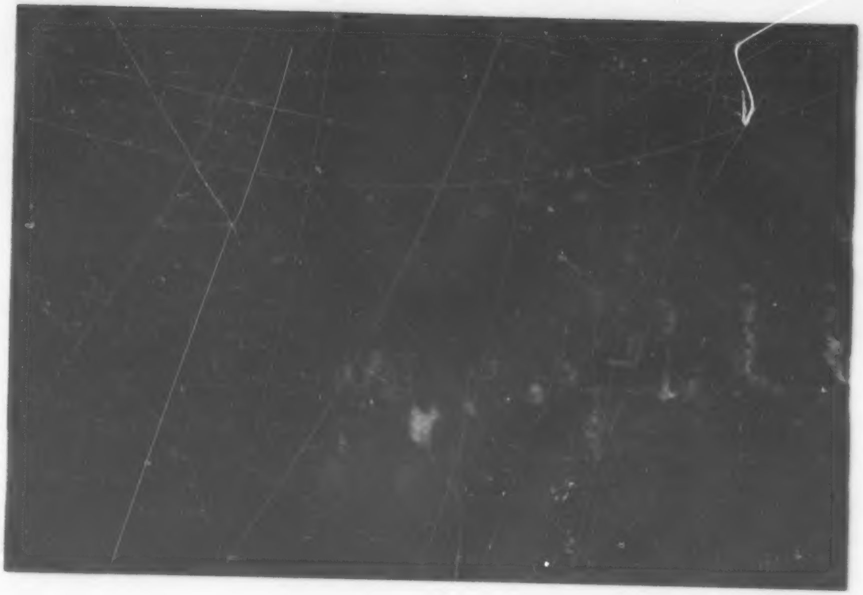
This is usually sufficient to discredit any explanation offered.

During the cross-examination of the respondent it is necessary to confront him with his previous statement if he departs from them. If the respondent denies that he made the statements recorded by the Officer or quibbles with what was said, the Officer must be called as a witness to testify as to the conversation with the respondent. A contest thus develops over the accuracy of the Officer's recording of the interview. If the Officer has not been selective and has not been shown to be partisan either by his conduct in the investigation or in his demeanour in the witness box, the tribunal will have no hesitation in accepting his evidence.

Proving discrimination is a subtle art. In the final analysis, however, its success is dependent on the quality of the investigation. Due to the fact that much will depend on the credibility of the Human Rights Officer, it is as important that he be fair as it is that he be thorough.

"A frequent recommendation was to focus much more attention on overcoming systemic discrimination. Significant progress towards equality has not been, and will not be made through taking the same kinds of individual claims over and over again, many equality groups said. They said that cases challenging widespread patterns of discrimination should be initiated by community groups or the Commission. However, some employers recommended that systemic discrimination be dealt with by education, not by enforcement, since many employers are not aware of systemic discrimination".

Achieving Equality. A Report on Human Rights Reform,
Ontario Human Rights Code Review Task Force,
June 26, 1992.



J.L. Ilsley High School
Human Rights Conference
September 1976

SUMMARY OF INTERNAL DEVELOPMENTS

ADMINISTRATION AND PERSONNEL
INVESTIGATION AND COMPLIANCE
AFFIRMATIVE ACTION PROGRAMS
PUBLIC EDUCATION
RACE RELATIONS
SYDNEY REGIONAL OFFICE
NEW GLASGOW REGIONAL OFFICE
DIGBY REGIONAL OFFICE

ADMINISTRATIVE AND PERSONNEL DIVISION

PHILIPPE COMEAU, COORDINATOR

Prior to 1984 the Executive Director was not only responsible for but also performed the duties and functions relating to finance, personnel management and the day to day management of the Nova Scotia Human Rights Commission. This approach was reasonable in the late 1960's when the Commission's staff was small and expenditures were mainly for salaries and wages. However, when the Commission expanded in the early 1970's the Executive Director's secretary took on a great deal of responsibility in all of these matters. In the early 1980's, with the Commission again expanding its mandate and with a new budget process and personnel management system coming into effect, it became clear that these responsibilities had to come under the control of an individual who would not only attend to these matters but would also be accountable.

As a result, Mr. Philippe Comeau, a Human Rights Officer with ten years of experience, was appointed to the position of Coordinator of Administration and Operations. This position reports directly to the Executive Director and is responsible for the development and control of the Commission's budget for central office and the three regional offices in Sydney, New Glasgow and Digby, as well as maintaining and balancing the general ledger, processing invoices, requisitions, inventory control, central registry management, ordering equipment, supplies and leasing automobiles and equipment. This position is also responsible for all personnel matters including interviewing candidates for employment, promotion, disciplinary action, solving inter-personnel/office issues, performance appraisal, application of management manuals and staff training. The Coordinator also acts as the Commission's Management Information Officer, develop the Commission's Long Range Systems Plan, in all areas including electronic data processing, acts as the Commission's Occupational Health and Safety Coordinator and chairs numerous internal committees.

In the above regard, the Coordinator of Administration and Operations is required to maintain a liaison with the Civil Service Commission on personnel matters, Management Board, Department of Finance and the Purchasing Agency on financial matters and the Department of Government Services, on such matters as inventory, leased premises, telecommunications, construction, systems development, mail and computer software and hardware.

The President of MT&T Mr. Struan Robertson signs the memorandum of of agreement flanked by Hon. Leonard Pace, minister charged with administration of the Human Rights Act and Dr. W.A. MacKay, Chairman, Nova Scotia Human Rights Commission. Back row, Director of Human Rights, George F. McCurdy, Commissioner Anita Dubinsky and Jack Gale, MT&T.

DIVISION OF INVESTIGATION AND COMPLIANCE

**FRANCINE COMEAU,
COORDINATOR**

During the first two years of the operation of the Nova Scotia Human Rights Commission, staff were unable to investigate, in a formal manner, complaints of discrimination. Staff would, however, make inquiries with respect to possible allegations of discrimination against members of visible minority groups. It would also carry out informal investigations and would make attempts to resolve situations in a manner satisfactory to all parties involved.

This settlement-oriented approach has continued throughout the years with the investigation staff being able to resolve or settle most of the complaints brought before it. The percentage of complaints which are referred to formal boards of inquiry for adjudication has remained below 2% of the total complaints lodged under the Act.

In 1969, the staff was provided with a formal mandate to carry out investigations under a newly proclaimed Act, the Nova Scotia Human Rights Act. This Act provided a formal avenue of recourse for those individuals who felt they were being discriminated against. It was a consolidation of the Fair Employment Practices Act, the Equal Pay for Equal Work Act and the Fair Accommodation Practices Act. This new anti-discrimination law, as did other human rights codes, allowed for an overall approach to combat discriminatory practices. This legislation would now be enforced by the Human Rights Commission rather than the courts. As such, it allowed for an educational component as well as an opportunity for mediation to blend in with enforcement techniques.

The Human Rights Act also provided an opportunity for public inquiries rather than prosecutions. The intent of anti-discrimination legislation has never been to punish offenders, but rather to compensate the victims and to seek ways of changing discriminatory practices and behaviours. The rules of evidence for public inquiries are more flexible than in the courts, require a lesser burden of proof and, as such, may provide a more balanced approach in dealing with issues of discrimination which are often very difficult to prove.

The Nova Scotia Human Rights Act as it was originally enacted prohibited discrimination in the areas of services and facilities, housing and property rights, employment and advertising on the basis of:

race, religion, color, creed, ethnic origin and national origin.

In 1969 staff (Human Rights Officers) investigated 44 complaints of alleged discrimination with the number remaining at approximately 100 per year for the following 15 years.

The investigation of informal complaints, that is, inquiries into situations which were believed to be violations of the spirit of the Human Rights Act, was a major and important part of the Human Rights Officer's work until the late 1980's.

These informal investigations provided some indication as to other characteristics which required protection. Over the next twenty-three years, protection was offered on several other grounds:

1972	1975	1977	1982	1986	1991
Sex	Physical Disability Age	Marital Status	Source of Income	Mental Disability	Sexual Harassment, Pregnancy Family Status Sexual Orientation Fear of Contracting an Illness Aboriginal Origin Political Belief, Activity or Association

Complaints related to sexual harassment and discrimination on the basis of pregnancy, although officially included in the Act in 1991, have been investigated since the early 1980's.

In 1992, the Human Rights Act offers protection on 17 grounds in all areas of public life and, in addition, prohibits discrimination against anyone because they associate with another individual or class of individuals who are offered protection under the Act.

The Act also offers protection from retaliation to any person who either lodges a complaint, makes known his/her intention to lodge a complaint or who assists in any way with respect to any complaint lodged under the Act.

Human Rights Officers work with a changing definition of discrimination. The term expanded over the years as a result of court decisions, legislative amendments to the Human Rights Act and the Canadian Charter of Rights and Freedoms.

The first complaints of discrimination required an intention to discriminate on the part of the alleged offender. This concept, referred to as "intent versus effect" was laid to rest only in mid 1980's when the Supreme Court of Canada ruled that it was not necessary to show an intention to discriminate in order to find discrimination.

Other concepts evolved over the years, such as direct discrimination versus indirect discrimination, adverse effect, systemic discrimination, and the duty to accommodate, to name but a few.

In 1991, the following definition was incorporated in the Human Rights Act.

> *"... where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, ... that has the effect of imposing burdens, obligations or disadvantages on an individual or class or individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society."*

This definition, which the Commission intends to interpret as liberally as possible, allows the Investigation Division to investigate a broad range of actions which could lead to acts of discrimination.

After twenty-five years of operation, the staff now address complaints of discrimination on 17 grounds of discrimination in seven areas of public life. This is reflected in the increase of complaints being lodged under the Act. In 1992, an estimated 225 new investigations will commence. These new complaints, along with the back-log of 100+ complaints carried over from the previous year, will challenge the Investigation Division and require that new expeditious manners of investigation be implemented.

	1970	1982	1991-91			
			EMPLOYMENT	SERVICES	HOUSING	ADVERTISING
Race/Colour	77	33	28	21	6	3
National Origin	11	10	11	4	-	-
Ethnic Origin	1	-	1	-	-	-
Aboriginal Origin	6	-	3	12	-	-
Religion/Creed	7	1	4	-	-	-
Age	N/A	5	18	-	-	-
Physical Disability	N/A	19	43	16	3	-
Mental Disibility	N/A	-	13	2	-	-
Sex	N/A	31	40	2	1	1
Sexual Harassment	N/A	-	31	3	-	-
Pregnancy	N/A	N/A	21	-	-	-
Sexual Orientation	N/A	N/A	2	-	-	-
Marital Status	N/A	N/A	10	-	-	-
Family Status	N/A	N/A	1	-	1	-
Source of Income	N/A	5	-	1	2	-
Political	N/A	N/A	1	-	-	-
Reprisal	N/A	N/A	2	-	-	-
			230	62	13	4 = 309

Staff of the Investigation Division, although having the primary duty of complaints investigation, are called on for many more activities. Over the years staff have been involved in the organization and delivery of conferences, be they in schools, institutions or communities. Staff have also provided and continue to provide on a consistent basis, workshops and sessions on a wide range of human rights topics, such as sexual harassment, affirmative action, human rights in general and racial harassment.

All staff have, in addition, their own expertise which they apply on special projects for the Human Rights Commission.

Some of the many projects which come to mind are:

Working Group of the Nova Scotia Advisory Commission on Aids
Gender Bias in the Canadian Justice System
Open-Minded Task Force for the Canadian Mental Health Association
Joint Labour and Human Rights Committee
Disabled Students Library Committee - St. Mary's University
Access-A-Bus
Psychiatric Patients Rights Handbook
Competence Task Force
National Access Awareness - N.S. Committee
United Action Coalition

The head of the investigation division has, also, for the past 15 years, served as an alternate to the Official Representative on the Continuing Committee of Officials on Human Rights. This Committee maintains consultation and collaboration among the governments in Canada with respect to the domestic implementation of international human rights instruments. As alternate, the Coordinator of Investigation and Compliance, is a member of the Working Group on Canada's reports to the United Nations which seek to facilitate the coordination of the preparation of reports to the United Nations, taking into account the comments, observations, guidelines and recommendations formulated by the United Nations committees of experts.

Over the 25 year period of the Commission, many human rights officers have served the Commission. Names of those no longer in the service that come to mind are:

Joan Gloade, Mayann Francis, Flemming Holm, Lance Hale, Carmen Comeau, Jean Clayton, Noel Knockwood, Woh Peng Leigh, Helen Price, Calvin Ruck, Shingai Nyjeka, Jim Hughes, David States, Lois Willett, Dave Henderson, Duncan MacNab, Suzanne Boivin, Patricia Skinner, and Rod Googoo.

The membership of the Division of Investigation and Compliance as at 1992 is as follows:

Ed Russell, Human Rights Officer (Intake), Halifax Office
Gerald Boudreau, Human Rights Officer, Halifax Office
Norma Williams, Human Rights Officer, Halifax Office (on secondment since July)
Janet McKinnon, Human Rights Officer, Halifax Office
Denise Moore, Human Rights Officer, Halifax Office
Maureen O'Connell, Human Rights Officer, Halifax Office
Cherry Paris, Regional Supervisor, Digby Office
David Beaton, Regional Supervisor, Sydney Office
Gordon Hayes, Human Rights Officer, Sydney Office
William Grant, Human Rights Officer, Halifax Office

AFFIRMATIVE ACTION

CAROLYN THOMAS,
CO-ORDINATOR

It is important to dignify the twenty-fifth anniversary of the Nova Scotia Human Rights Commission by including the history, some of the accomplishments and achievements relating to Affirmative Action as they have contributed to and affected the role and function of the Commission.

The Nova Scotia Human Rights Commission became involved in the area of Affirmative Action shortly after it was formed. It recognized that on the basis of the complaints received it had to implement some component in its operation to deal with redress. It had to become more proactive in its efforts to ensure that people are treated with dignity and respect. Co-operative efforts had to be taken to support the cry from many who, despite their courage and willingness to understand, were still being victimized as a result of systemic racism and discrimination.

The Nova Scotia Human Rights Commission began studying the area of affirmative action and pursued the matter in the public and private sectors of the Province. While it was realized that it began as an American program and could not be transferred to Canadian jurisdictions, it was acknowledged that components of the program could be effectively adapted to suit the needs of Canadians. The Commission decided that affirmative action was remedies that were and are designed to eliminate systemic discrimination in all sectors of society. It used this definition as its broad term but narrowed it to the areas of employment, housing and education.

It is fair to say that most of the programs developed and implemented are in the area of education and employment. Since all sections and activities of the Commission are interrelated it became important for all staff to become knowledgeable of the area of affirmative action and incorporate it in most aspects of their everyday work.

This practice took place on an informal basis for the first couple of years while the area was under study by the Commission.

In 1972 more direct action became a part of the Commission's work in this area. Discussions took place in the private sector and it was decided that formal voluntary memoranda of understanding should be signed between the Nova Scotia Human Rights Commission and major employers.

AFFIRMATIVE ACTION IN EMPLOYMENT

The first employer to accept the challenge to work cooperatively in this manner was Maritime Telegraph & Telegram Company Limited. This was the first formal affirmative action agreement signed in Canada and was carried out in 1972.

The main purpose of these programs was to take special and direct action to work towards ensuring that the makeup of their workforce was truly representative and reflective of the community they serve. Guidelines were developed by the Commission to help employers reach their goals. Special permission is granted under the Nova Scotia Human Rights Act with the approval of the Commission which further enables the employers to take direct and special measures, if need be.

Since the inception of the affirmative action in employment programs it can be said that many people have benefitted from them - directly and/or indirectly. Employers are encouraged to develop action plans which will speed up the process beyond promoting them in an ordinary manner. Awareness and sensitivity sessions are recommended for all staff, in particular the management and supervisory personnel, where major decisions are made.

The Nova Scotia Human Rights Commission has no mandatory legislation which would require employers to carry out the designing and implementation of such programs and therefore statistical information is not available. It is at the desire and request of the employer whether such activity takes place.

Since the first program was signed with the Commission, forty such voluntary agreements have been signed. Such agreements are reached publicly, for the most part, thus signalling a significant message to the corporate community and the community at large that action in this regard needs to be taken to help bring about equality in the workplace, as well as in society.

While everybody can benefit from affirmative action programs, three specific target groups were singled out for emphasis - women; persons with disabilities; and visible minorities - because of their obvious under-representation, under-utilization, and lack of reflection in the workplace.

At the time, and for some years after the Commission became involved in this area, there was no Federal Human Rights Commission and no similar programs in the federal sector. As a result, the Commission became involved in the federal section as well.

The Commission worked cooperatively with Canada Employment and Immigration, then known as Manpower and Immigration, to develop and/or modify programs. This did not, and does not mean, lowering standards, as is commonly misunderstood by many, but would look at existing programs with a view to identifying accessibility and systemic barriers. Policy and procedures would be reviewed to ensure that discriminatory policies and practices were not being implemented. Activity with these departments spread to activities within other departments. The Public Service of Canada became involved with the Commission and developed such programs as the Black Employment Program. The program has since grown and it and others started with the Commission are being continued under the federal employment equity programs. Other departments included Canada Post Corporation and Canada Coast Guard and several others.

Representatives from the Nova Scotia Human Rights Commission served in an advisory capacity on national and international committees pursuing the area of affirmative action. Such activities included the Federal-Provincial-Territorial Advisory Committee on Affirmative Action to the Ministers in charge of Human Rights. Among the many recommendations that came were those requesting an independent study/commission on affirmative action and employment equity; pay equity legislation and the need for a comprehensive statistical data base that could be of great assistance in the areas of concern.

As an extension of affirmative action within the Nova Scotia Human Rights Commission office an "on the job training program" was put in place. This program was developed when it was realized that many people from the specific target groups had no experience in the workplace and this criteria seemed to be one of the reasons they were unable to obtain employment. It also permitted the Commission to demonstrate leadership in this area by providing training while at the same time evaluating the process used in the public and private sectors. This became more evident to the Commission since part of the incumbent's training included job referral and search in both sectors. The training was for a six month period after which the incumbent was to have secured employment.

This program began in 1973 and was continued until 1991. Since that time 29 people came through the program.

The success of this program speaks for itself. It is encouraging to know that similar programs are being developed in the public and private sectors. While, in 1992, this position is temporarily suspended at the Commission, the hope is to eventually reinstate the program within the Affirmative Action Division. Its placement ensures a pulse from the sector of the community represented as the following information shows.

Those persons who received training in the Affirmative Action training position at the Nova Scotia Human Rights Commission from its inception up to and including the present time are:

	NAME	**TARGET GROUP**	**RESULTS**
1.	Irma Farmer	Black/Female	Employed
2.	Jennifer Downey	Black/Female	Employed
3.	Maureen Marsman-States	Black/Female	Employed
4.	Delores Sparks	Black/Female	Deceased
5.	Marilyn Peters	Native/Female	Employed
6.	Janet Bernard	Native/Female	Employed
7	Anna Marie Farrell	Native/Female	Employed
8.	Janice Cope	Native/Female	Employed
9.	Lucy Martin	Native/Female	Employed
10.	Joanne Syliboy	Native/Female	Employed
11.	Jean Knockwood	Native/Female	Employed
12.	Rose Comeau	Acadian/Female	Employed
13.	Rajean Frigault	Acadian/Female	Employed
14.	Anne Barnhard	Female/One Parent	Employed
15.	Judy Rogers	Female/One Parent	Employed
16.	Pushpa Garg	East Indian/Female	Employed
17.	Shigeko Osumi	Japanese/Female	Employed
18.	Kyle Johnson	Black/Male	Employed
19.	Patricia Bernard	Native/Female	Employed
20.	Linda Carvery	Black/Female	Employed
21.	Cathy Caldwell	Physically Disabled/Female	Employed
22.	Annette Googoo	Native/Female	University
23.	Bernadine Amudipe	Black/Female	Employed
24.	Thane Pleasant	Black/Male	Employed
25.	Cassandra Colley	Black/Female	Employed
26.	Stephanie Pictou	Native/Female	Employed
27.	Helen Linkletter	Deaf/Female	Employed
28.	Bridget Williams	Black/Female	Employed
29.	Sandra Byard	Black/Female	Employed

Areas of vocation of these trainees have included: administrative assistant; bank teller; executive assistant; regional supervisor; secretarial; computer programmers; clerical; grocery manager; receptionist; library clerk. Others have made decisions to pursue their academic studies at the post-secondary levels because their self confidence and self expectancy levels excelled.

Similar programs have been instituted in the private and public sectors of the Province, as well as in learning institutions. This program served as a mentoring program as well as a training program. Comments were heard from incumbents who spoke of the program as "giving him this confidence he needed to go on". He exclaimed that "I am now determined to go on and become what I am capable of because these people have instilled in me that positive attitude of self worth". Another incumbent stated that she received the encouragement through the program to pursue her studies and to make her contribution at a higher level than she first planned. She remarked "You know, I have been working closely with many staff members here at the Commission and I am convinced that I should go back to school and equip myself for something at a higher level. I believe that I am capable".

AFFIRMATIVE ACTION IN EDUCATION

The Affirmative Action Division of the Commission has been working cooperatively with other organizations to raise the level of awareness in the public and private sectors of the province, and beyond, as it relates to their mandate and those things that hamper progress. To effectively do this the Commission has reached beyond its own area and bank of expertise and utilized the services and contributions of others. These partners have included current and retired teachers/educators, human resources managers, community-based organization members, personnel managers, members from various target groups that fall within the program and legislative jurisdiction.

Awareness sessions are held across the province and are coordinated by staff personnel from the central or regional offices. They are held in the private and public sectors. While they are mainly aimed at individuals at the management and supervisory levels, as they pertain to the workplace, they are not exclusionary. The underlying intent is to make people more understanding and appreciative of each other; to help people understand the importance of respecting each other; to ensure that the workplace is more reflective of the society it represents and serves; and, to ensure more equality across the total spectrum of our society. The Affirmative Action Division realizes that influences and attitudes have to be changed throughout every spectrum of our society; school, church, employer organization, media, religion, art, curriculum, systems, and institutions at all levels.

Over the past twenty five years the number of awareness sessions have been numerous. They have been at the corporate level; at the community level; at the law enforcement level; with union and labour relations groups/conferences; and with affirmative action committee members.

Glace Bay, Affirmative Action Agreement, November 1976. Seated L to R: Mayor Dave Munroe, Hon. Leonard Pace. Standing second row L to R: Fred MacKinnon, Anita Dubinsky, and Victor Jones.

Information and sharing sessions have been held in the classroom with students at the elementary, junior high, high school, post secondary, vocational, technical training, advanced and continuing education and other levels. Many of these activities are carried out in cooperation with the Public Education Division of the Commission so as not to duplicate, but to enhance our objectives.

Some of the highlights over the past twenty five years with regard to affirmative action in education have included the signing of agreements between the Commission and St. Francis Xavier University, Dalhousie University; and Acadia University. It is hoped that other institutions of high learning will do likewise. By signing affirmative action agreements with the Commission it signals a message of good corporate, educational and sound leadership to the community at large.

Agreements at the university level include action plans outlining the activities to be undertaken by the universities in an effort to help correct past injustices and imbalances. Some such direct and positive action have been:

- The appointment of the Employment Equity Officer and Black Student Advisor at Dalhousie University.
- The appointment of a Black and Aboriginal Student Advisor at St. Francis Xavier University.
- Increased representation of underrepresented groups as members of faculty and throughout the institutions.
- Projects and activities by and for the student body and faculty related to affirmative action and equity issues and concerns.

Additional information can be obtained directly from the universities as they relate to their involvement and programs.

School boards have been encouraged too and some have cooperated with the Commission in developing policy, guidelines and special measures as they relate to affirmative action with the Commission. These Boards have recognized the need to establish affirmative action programs to ensure the hiring of target group people, in particular teachers. The Halifax County and Bedford School Board have taken the lead in these activities and continue to be a beacon. They have established an entire department to effectively deal with the areas of human rights, race relations, cross cultural understanding and related issues. We are encouraged by the leadership given by them and have encouraged other Boards to follow their example. Additional information can be obtained concerning their program by contacting them directly. School Boards actions must recognize affirmative action as a strategy of

Members of the Halifax Police Department with members of the Human Rights Commission at the final session of the human rights awareness program 1979.
L to R:
Inspector Charles Cuthbert,
Carolyn Thomas,
George F. McCurdy,
Hon. Ronald C. Giffin,
Chief Fitzgerald Fry,
Dr. W.A. MacKay, chairperson;
Nova Scotia Human Rights Commission.

access as well as for success and as such they must be designed to get positive results.

It is readily recognized that the Commission has not accomplished all that it has set out to do and therefore we call upon all who can lend a helping hand.

AFFIRMATIVE ACTION IN HOUSING

On April 29, 1982 the Minister in charge of Housing for the Province of Nova Scotia, the Minister in charge of Human Rights for the Province of Nova Scotia, the Executive Director of the Nova Scotia Human Rights Commission and the President of the Association of Nova Scotia Housing Authorities signed a DECLARATION OF FAIR HOUSING PRACTICES.

Since that time efforts have been made to ensure adherence to the declaration by the entities so stated.

The Association, in cooperation with the Commission, drafted and adopted guidelines to implement fair housing measures. Real estate agents and agencies are requested to ensure that affirmative action is practised in their daily activity as it relates to buying, selling and rental of properties.

AFFIRMATIVE ACTION AND COMMUNITY RELATIONS

Community relations has been, and continues to be, a pertinent and very relevant part of the Affirmative Action Division's responsibility. Early in the Commission's life and involvement with affirmative action as a proactive measure of the Commission's work, it was realized by the Commission and community together that community-based instruments must be put in place. These were suggested for the community, corporations and institutions. As the result of that decision the community worked untiringly with the Commission to establish such vehicles.

The first community-based organization established in the community for this purpose was the Antigonish and District Affirmative Action Committee. This committee celebrates its 20th year of existence in 1992. It was responsible for heightening the awareness of the community as it relates to human rights and what it represents. It was responsible for encouraging the university to become involved in similar activity. This led to the signing of an affirmative action agreement with St. Francis Xavier University and many of the positive changes that have taken place in that university, town and community since. Other positive results have included the appointment of an Aboriginal and Black Student Liaison/Advisor - Dr. Agnes Calliste (present incumbent); increased target group representation within the workforce; student and staff activity centered around human rights issues and concerns; corporate ownership and sensitivity in regards to equal employment opportunities; public forums at the university regarding human rights issues: the establishment of many committees on campus, including an Affirmative Action Advisory Committee to the President of the University.

Since that time several agreements have been signed and several committees have been established - some more active and thus more results realized than others. Included in this list are:

Dalhousie University, Acadia University, Nova Scotia Power Corporation, Maritime Tel & Tel, Scott Maritime Limited, Municipality of the Town of Glace Bay, City of Dartmouth, City of Halifax, Town of New Glasgow, Yarmouth County, City of Sydney, and others. Additional information can be obtained by contacting the Commission's Affirmative Action Division.

The first Municipality to enter into an Affirmative Action Agreement with the Commission was Glace Bay, out of which a community committee resulted.

The Yarmouth County Affirmative Action Committee will be celebrating its eleventh year in 1992.

During its tenth year it highlighted many of the activities that it had been engaged in over the years and paid tribute to those who gave unselfishly of their time and energies. This committee like others continues to be the pulse and conscience of their area. In so doing it carries out sessions with employers and shares information will all who request or desire it regarding affirmative action. This committee, like others, has used the media to help promote human rights and affirmative action by one on one interviews, editorials and stories. It has been involved in coordinating conferences, seminars, and workshops. Since it, and other committees, is made of up the various sectors of the community, the resources that come with its mere existence are extremely valuable. They, like others, have been instrumental in encouraging their school boards to adopt policies and procedures on human rights and affirmative action.

Prior to the Commission establishing a Race Relations Division the Affirmative Action Committees and Division dealt with matters related to race relations. Since this is an area, like others, in which overlapping does occur, it becomes crucial that these sections combine their efforts on many fronts. Since affirmative action strategies, methods and remedies, are methods whereby systemic discrimination can be eliminated, it becomes incumbent that flexible measures continue to be developed and implemented and that change for the better occurs.

SUMMATION

Twenty-five years has seen the Commission's involvement with affirmative action measures evolve into an Affirmative Action Division with a full-time Co-ordinator of Affirmative Action, a full-time Affirmative Action Officer, a shared secretary, and limited time being given to the area by human rights officers and regional supervisors - who contribute immensely considering that they have their entire regions to cover on all aspects of human rights.

Legislation continues to be limited since it only provides for the approval of programs designed to promote affirmative action. Unlike other areas of the Commission's mandate, the Affirmative Action Division has never been specifically inscribed into the Nova Scotia Human Rights Act in the form of the establishment of a Division with duties and powers. Its request continues to be for such status and legislation. The incorporation of such at the Commission level will provide the example of leadership required of others.

The Affirmative Action Division salutes those who practice affirmative action because it is the proper thing to do. It salutes those who want to, and continue to, learn more about affirmative action. It salutes those who realize that affirmative action is comprised of many components which bring about equity in the workplace, education, social and economic areas. The Division asks everyone to join forces with it to help speed up the process for change. It asks that no one should be afraid to become involved in taking affirmative action. Whether one realizes it or not one is involved already to some degree. By whatever name progress is made, it will continue to be progress. Affirmative Action is one such means towards progressive change. It has an important role to play for some years to come.

Yarmouth Affirmative Action Committee, August, 1982. Near right: Cherry M. Paris, Regional Supervisor, Digby.

The Public Education Division is responsible for the development and implementation of public information and education programs in the area of human rights. Its main objectives are to promote awareness of human rights; to eliminate ignorance and prejudice; to promote positive attitudes and/or effect positive attitudinal change with regard to human rights issues; and to create a climate or respect for the dignity and rights of all people irrespective of age, race, colour, religion, creed, sex, sexual orientation, physical or mental disability, ethnic, national or aboriginal origin, family or marital status, source of income, political belief, affiliation, or activity.

The public information and education programs include conferences, workshops, seminars, open forums, public speaking engagements, school conferences, ceremonies and special events commemorating special days, dissemination of materials on human rights, race relations and related topics, displays, press releases, advertisements, television programs, liaison with community, ethnic and minority groups, as well as women's organizations and organizations serving disabled persons, cooperation with government departments, assistance to educators, researchers, students, and the general public in their research on human rights and related topics, and answering general telephone and written inquiries.

MAY LUI,
PUBLIC
EDUCATION OFFICER

The Public Education Officer is the head and only full-time staff member of this division. At present, the Public Education Officer assumes some of the duties of the librarian with assistance from the Central Registry Clerk who works part-time in the library.

Public education has always been a major factor in the area of human rights. Each year the Commission distributes approximately 100,000 pieces of literature in the form of pamphlets. The production of these pamphlets began modestly with one or two and has now grown to thirteen, not including declarations and proclamations for special events. This literature includes:

Nova Scotia Human Rights Act
How the Human Rights Commission Serves People
Human Rights: A Guide For Employers
Human Rights: Policy Guidelines on Sexual Harassment
Guidelines for Investigating Complaints
Human Rights: Physical or Mental Disability
Human Rights: Source of Income
The Acadians of Nova Scotia
Les Acadiens de la Nouvelle Ecosse
Getting Your Foot in the Door
Affirmative Action
Commission Reports
Posters: People in the Same Boat Help One Another
Affirmative Action

In addition to these pamphlets, reports and posters, the Commission has produced studies and research papers such as:

Visible Minorities in Nova Scotia: A Call for Equality
Black Community Profile: New Glasgow, Nova Scotia
Focus: Lucasville, Hammonds Plains and Cobequid Road
Pictorial on Black History: Nova Scotia
Textbook Analysis: Nova Scotia
Women and Credit
Sexism in School Textbooks
Women and Advertising
Barriers to the Educational Attainment of Black Students

The Commission is also deeply involved in presenting the human rights message through speaking engagements and displays. This also began modestly with a few engagements per year and quickly grew to the point where Commission staff delivered approximately sixty to seventy speaking engagements per year. These presentations are made to schools, provincial and municipal government agencies, social clubs, community groups and special interest groups to mention only a few. These presentations continue to play a vital role in human rights education.

Public education activities undertaken by the Nova Scotia Human Rights Commission over the past twenty-five years would fill volumes. Some of the more notable landmarks over this twenty-five year history included the following:

In 1973 the Nova Scotia Human Rights Commission hosted the national conference of the Canadian Association of Statutory Human Rights Agencies, to which all provincial human rights agencies are affiliated. The Commission's Regional Supervisor for the western region of Nova Scotia, Mr. Steve Nyajeka, was the founding secretary of the national organization. This conference is held on an annual basis in different provinces and allows all jurisdictions to share ideas and improve service output to government and the general public.

The year 1974 saw the Commission undertake a major study entitled "Textbook Analysis". The result of a two year investigation and study sponsored by the Commission was published with recommendations. The study involved the review and analysis of textbooks used in Nova Scotia schools, the interviewing of teachers at all levels of academic responsibility and of administrative staff at the Department of Education.

The years 1974 through 1977 saw the Commission take a major step in the delivery of human rights to the youth in Nova Scotia. The first Human Rights School Conference took place in New Glasgow at the New Glasgow High School. Since that time the Commission has been involved in approxi-

Saint Mary's Universitity December 9, 1991. L to R: Tracey Jones, Reggie Newkirk, Dr. Ken Ozmon, Dan Paul, and Heidi Marshall.

mately 130 school conferences. School conferences are effective means of involving teachers and students in activities that increase their understanding of human rights. The conferences vary from one day to one week in duration, depending on the needs of the students and on the size of the student body. Before each conference, there is an orientation session for the teaching staff to make them aware of the goals of the conference as well as of the program. Also, they are requested to stimulate student's interest in human rights before the conference by engaging them in pre-conference activities. These activities include students' posters, essay or public speaking contests and answering a pre-conference questionnaire on human rights issues. Some students, with the assistance of their teachers, rehearse plays, skits, and/or human rights songs to be presented at the opening session of the conference. Student involvement is paramount to the planning and delivery of a successful school conference.

The actual conference usually includes an opening session, a closing session, and classroom sessions. The Minister in charge of the Administration of the Human Rights Act, or his designate, often delivers the keynote address at the opening session. The classroom sessions are conducted by human rights officers with the assistance of resource persons from various community groups and organizations. Recommendations and suggestions at these sessions are recorded and presented at the closing session.

The major student recommendation to come from the conferences has been a request that human rights be included in the school curriculum. As a result the Joint Committee on Human Rights and Education, under the co-chair of the deputy minister of the Department of Education and the director of the Nova Scotia Human Rights Commission, was established in 1977 to study the integration of human rights and the multicultural reality in the school curriculum, textbooks and learning materials, that will accurately and sensitively provide knowledge and understanding of minorities and women. The committee includes representation from the major minority group organizations in the province.

The years 1978 through 1982 saw an increase in the number of publications and pamphlets produced by the Commission due to the introduction of new legislation which increased the protection under the Human Rights Act to all Nova Scotians. School conferences continued to be the major focus for the Public Education Division and the Joint Human Rights and the Education Committee expanded its mandate to include:

a) Examining and monitoring of present text books and materials.
b) Recommending materials related to minority cultures, women and disabled persons.
c) Development of human rights materials and programs.
d) Influencing teacher training.

In 1982 the Commission hosted the 34th Annual Conference of the International Association of Official Human Rights Agencies in Halifax. This conference was a learning experience unmatched in the Commission's history. Being held in Nova Scotia it provided the opportunity for all the provincial human rights commissions to attend, in addition to

Human Rights Conference Saint Mary's University December 9, 1991. Seen seated in Theatre B in the picture are Dr. Guy McLean, Ombudsman; Mike Simmonds, Leela Pachai, Sandra Jolly, M.L.A.; Patricia Grosse, Lois Smith, Anthony Ross, and Inspector Peter Curley, RCMP.

the various commissions and agencies responsible for human rights in the United States and parts of Europe. Nova Scotia was now sharing its human rights thinking not only nationally but internationally.

During the years 1986 through 1988 the Commission saw an increase in the number of speaking engagements and school conferences.

In 1986, to commemorate the 38th anniversary and to mark the passing of legislation prohibiting discrimination on the basis of mental disability, the Premier presented awards to two persons for their outstanding service to mentally disabled persons. Additionally, for the first time since the appointment of Dr. Andrew MacKay as the Commission's first chair in 1967, the Premier announced the appointment of a new chair of the Nova Scotia Human Rights Commission, Dr. Donald E. Curren.

In 1987, the Premier honoured seven individuals for their outstanding achievements and/or service to the disabled community. Awards were also presented to poster and essay contest winners and to schools for their contribution to human rights.

In 1988, the Commission observed the 40th Anniversary of the Universal Declaration of Human Rights. The most notable event in this regard was the Government of Nova Scotia hosting a luncheon to honour Dr. John Peter Humphrey, Q.C., O.C., first director of the Secretariat's Division of Human Rights (1946-66) for his life-long contribution to human rights, nationally and internationally. The Premier presented Dr. Humphrey with a Certificate of Recognition. Dr. Humphrey's address was on peace.

In 1988, the Commission expanded the means by which it delivered the human rights message to the electronic media. Human rights films were telecast through ASN Education Channel and Halifax Cablevision.

In 1989, the Commission hosted a major conference titled "Human Rights Today". The objective of the conference was to provide a forum where educators, employers, public and civil servants, lawyers, and concerned citizens could exchange views on the role of the Nova Scotia Human Rights Commission, the courts, employers, educators, minorities, women, and other concerned citizens. The topics included a broad range of human rights issues, such as employment equity, pay equity, human rights education, damages in human rights complaints, and concerns of women and minority people.

In 1990 the Commission hosted a major conference titled "Consolidating Human Rights and Race Relations: Challenges for the Last Decade of the 20th Century". All Nova Scotians were invited to attend and participate in examining our present system of justice, education, and employment with reference to race relations, human rights education, aboriginal issues, employment equity, and police and media responsibility regarding minorities. There were approximately 150 participants from across the province. The major address was delivered by Dr. Bertrand G. Ramcharan, Office of the Secretary General of the United Nations.

On December 9, 1991 a workshop was held at Saint Mary's University on the theme "Realities of Racism in Nova Scotia", which was followed by a ceremony at Province House on December 10, 1991 when the Honourable Robert L. Stanfield launched the beginning of the 25th Anniversary Celebrations. Distinguished Human Rights Awards were conferred on Dr. Carrie M. Best, Dr. Fred R. MacKinnon and Mr. Noel Knockwood.

The Minister in charge of the Administration of the Human Rights Act addressed the audience at the beginning of the conference. The Chief Commissioner of the Ontario Human Rights Commission, Ms. Catherine Frazee, was the luncheon speaker. Other speakers from Nova Scotia and other provinces with expertise and experience in the field of human rights and race relations made presentations. The audience was asked to assist the Commission in making the changes required to eradicate discrimination and promote positive race relations.

Finally, and as a culmination to the 25th Anniversary Celebrations, the 25th Anniversary Human Rights Symposium and Banquet were scheduled to be held in Halifax on December 8-10, 1992.

Human Rights Conference on Disabled Persons, November, 1980. Front Row L to R: Hon. Gerald Lawrence and David Beaton.

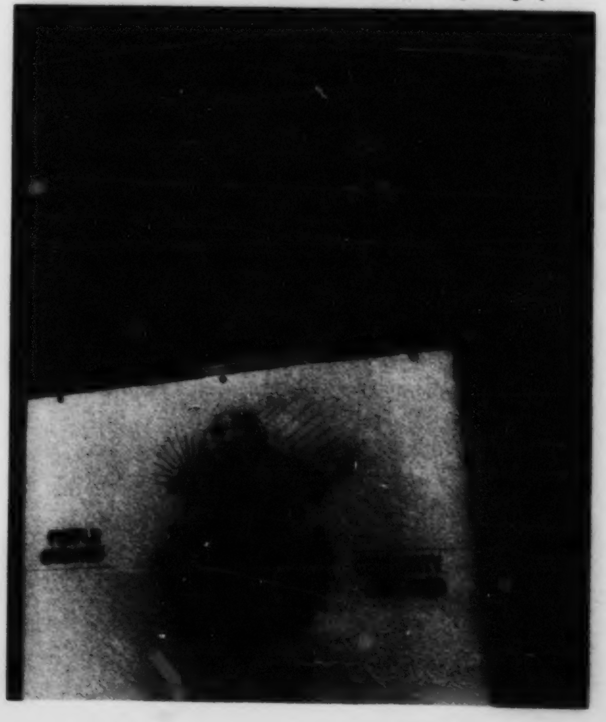
NOVA SCOTIA HUMAN RIGHTS COMMISSION
PUBLIC EDUCATION – SCHOOL CONFERENCES

	DATES	SCHOOLS
1.	Nov./74	New Glasgow High School
2.	Dec./74	Sir John A. MacDonald Jr. High School
3.	Jan./75	Amherst Regional High School
4.	May/75	Morrison High School, Glace Bay
5.	Nov./75	Sydney Academy
6.	Dec./75	St. Peter's High School
7.	Feb./76	Hants East Rural High School
8.	Mar./76	J. L. Ilsley High School
9.	Mar./76	Queen Elizabeth High School
10.	Nov./76	Truro Jr. High School
11.	Feb./77	Louisbourg High School
12.	Feb./77	MacDonald High School
13.	Mar./77	East Bay Jr. High School
14.	Mar./77	N.S. Teachers College
15.	Mar./77	St. Charles School
16.	Mar./77	Amherst Jr. High School
17.	Mar./77	Eastern Passage Jr. High School
18.	Apr./77	Breton Education Centre, New Waterford
19.	Apr./77	Antigonish Rural High School
20.	Apr./77	St. Pat's High School
21.	Apr./77	Halifax West High School
22.	Apr./77	Digby Regional High School
23.	May/77	Dartmouth High School
24.	June/77	Tantallon Jr. High School
25.	Sept./77	St. Michael's High School, Glace Bay
26.	Oct./77	Yarmouth Cons. Memorial High School
27.	Nov./77	Cobequid Education Centre
28.	Dec./77	Baddeck Cons. High School
29.	Feb./78	Guysborough Memorial High School
30.	Mar./78	Halifax West High School
31.	Mar./78	Whycocomagh Consolidated School
32.	Mar./78	Graham Creighton High School
33.	Mar./78	Hants West Rural High School
34.	May/78	West Kings District High School
35.	Oct./78	Parkview Education Centre
36.	Oct./78	Digby Regional High School
37.	Oct./78	Windsor Regional High School
38.	Nov./78	New Glasgow High School
39.	Dec./78	Alexandra School
40.	Dec./78	Baddeck Rural High School

41.	Dec./78	Eskasoni School
42.	Dec./78	Glace Bay Teachers In-Service Workshop
43.	Dec./78	Shelburne Regional High School
44.	Feb./79	Miss Murphy's Business College
45.	Feb./79	Forest Hills Jr. High School
46.	Mar./79	Halifax Ladies College
47.	Mar./79	N.S. Teachers College
48.	Apr./79	Trenton High School
49.	Apr./79	Bell Park Academic Centre
50.	Apr./79	Horton District High School
51.	May/79	Musquodoboit Cons. School
52-57.	Sept./79	6 Truro Elementary Schools
58.	Sept./79	Florence Condon Jr. High School
59.	Nov./79	East Pictou Rural High School
60.	Nov./79	Frank H. MacDonald Elem. School
61.	Nov./79	East Pictou Rural Jr. High School
62.	Nov./79	Parkview Education Centre
63.	Dec./79	Bloomfield School, Halifax
64.	Feb./80	Sir Robert Borden Jr. High School
65.	Mar./80	Miss Murphy's Business College
66.	Apr./80	Bridgetown Regional High School
67.	Apr./80	Musquodoboit Rural High School
68.	Oct./80	Halifax Business Academy
69-71.	Oct./80	New Waterford Elementary Schools
72.	Nov./80	Parkview Education Centre
73.	Nov./80	Antigonish East High School
74.	Dec./80	Highland Park School
75.	Dec./80	Richmond School
76.	Feb./81	Upper Musquodoboit Cons. School
77.	Mar./81	Gorsebrook School (Jr. High Classes)
78.	Apr./81	Notting Park School
79.	May/81	May Cornish Memorial School
80.	May/81	Gorsebrook School (Elementary Classes)
81.	Oct./81	St. Patrick's High School
82.	Nov./81	Antigonish Jr. High School
83.	Dec./81	Ile Madame District High School
84.	Feb./82	Caledonia Jr. High School
85.	Feb./82	Gertrude Parker Elem. School
86.	May/82	Eskasoni Jr. High School
87.	Dec./82	Bridgetown Regional High School
88.	Dec./82	Bridgetown Regional Elem. School
89.	Dec./82	Richmond School
90.	Feb./83	L. C. Skerry Elementary School
91.	Apr./83	Beaverbank-Kinsac Cons. School
92.	Oct./83	Whycocomagh Federal Jr. High School

93.	Nov./83	New Glasgow High School
94.	Mar./84	Guysborough Municipal High School
95.	Apr./84	Hammonds Plains Cons. School
96-98.	Apr-May/84	Digby Elementary Schools
99.	Nov./84	Tantallon Elementary School
100.	Feb.-Mar./85	Cole Harbour District High School
101.	May/85	North Queen's Rural High School
102.	Nov./85	Maple Grove Education Centre, Yarmouth
103.	Nov./85	Yarmouth Junior High School
104.	Dec./85	Eskasoni Elem. & Jr. High Schools
105.	Apr./86	Weymouth Consolidated School
106.	Apr./86	Harold T. Barrett Jr. High School
107.	Oct./86	Mary Lawson School
108.	Feb./87	Whitney Pier Memorial Jr. High School
109.	May/87	Digby Regional High School (Senior)
110.	Oct./87	Dartmouth Senior High School
111.	Nov./87	Mi'Kmawey School
112.	Nov./87	Northbrook School
113.	Oct.-Nov./88	Holy Angels High School, Sydney
114.	Dec./88	St. Mary's School
115.	Mar./89	Memorial Junior High School, Sydney
116.	Apr./89	Bell Park Academic Centre
117.	May-June/89	Bedford Central School
118.	Oct./89	Holland Road Elementary School
119.	Feb./90	Millwood Elementary School
120.	Apr./90	Antigonish East High School
121.	May/90	Digby Regional High School
122.	Oct./90	Caudle Park Elementary School
123.	Nov./90	Cole Harbour High School
124.	Feb./91	Ross Road School
125.	Apr./91	Sycamore Lane Elementary School
126.	Oct./91	Sackville Heights Elementary School
127.	Nov./91	Cornwallis School, Sydney
128.	Nov./91	Sacred Heart School, Halifax
129.	Mar./92	Cornwallis Junior High School, Halifax
130.	Apr./92	C. P. Allen High School, Bedford

Conference at Windsor Regional High School October 1978. Hon. R. Giffin, Opening Speech.



RACE RELATIONS

REGGIE NEWKIRK,
CO-ORDINATOR*

The twenty-fifth anniversary of the founding of the Human Rights Commission coincides with the first full year of operation of the Commission's Race Relations Division. The Division was formed in response to a recommendation of the report of the Royal Commission on the prosecution of DonaldMarshall,Jr. which stated, "...we recommend that the (Human Rights) Act be amended to establish a Race Relations Division within the Commission, with at least one full-time member who will be designated as Race Relations Commissioner". The Human Rights Act as amended was proclaimed law on October18, 1991. The Division's first Coordinator commenced working in the position in October. As a consequence of the newness of the Race Relations Division it does not have a history to offer for review.

We can, however, project into the future, say, to the time of the Commission's 50th anniversary, and conduct a futuristic exploration: "It is the year 2017 and the Human Rights Commission is commemorating its 50th year of operation. The Race Relations Division is pleased to offer the following report. As a result of process, programs and procedures, launched twenty-five years ago, the Division is able to report the following achievements:

- The consciousness of the oneness and wholeness of the human race has been firmly established throughout Nova Scotia society. The Provincial educational system has had in place for a number of years a truly integrated global history program which promotes the contributions made by various racial and ethnocultural groups to Nova Scotia. Special reference is made to the contributions of Nova Scotia's First Nations and black communities.

- The Nova Scotia Civil Service has dismantled its affirmative action/employment equity program because complete equipoise in employment and services for racial and ethnocultural groups has been achieved. A significant change has been effected in the culture of departments of Government.

- Universities, colleges, professional and artistic educational institutions have, both on the instructional and administrative staffs and in the student bodies, ethnic and racial balance. Minority employees and students feel "at home" in these institutions.

- While the Commission's complaint handling mechanism is still in place, all of the Race Relations Division's resources are dedicated to education, information and community development programs.

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* *Resigned July 10, 1992*

- The Division notes there have not been any disturbances of a racial or ethnic kind in the last 10 years. All perceived grievances against police are expeditiously handled by an independent civil review panel, who enjoy the confidence of all strata of Nova Scotia society.
- Police services throughout the Province have achieved fair representation of First Nations, racial and ethnic groups.
- We now live in a society in which racial minorities no longer feel inadequate or inferior; nor where majority group people feel superior or act in condescending ways towards others.

Notwithstanding the futuristic vision described above, it is within the capacity and power of Nova Scotians to achieve such social conditions within our community. A prerequisite to achieving this state, however, requires us to acknowledge that feelings of "white supremacy" exist and for us to design and implement ways and means of eradicating this value judgement. Those who have been the direct victims of supremacist attitudes and behaviour manifested in racism and racial discrimination have a contribution to make as well. They must work to disengage from the anger and rage the present system of racial oppression imposes on them and strive to liberate their hearts by forgiving those who have, in the past and present, been the agents of discrimination and negative attitudes. As everyone makes a contribution to this process, society will free itself to deal with the feelings, perceptions and attitudes which underlie racism, racial discrimination, etc., at a more profound level. Anything short of dealing with this most challenging issue at the deepest level possible, will only result in measures which are mere palliatives.

It is the Race Relations Division's view that all Nova Scotians can make this 25th anniversary year of the Commission's establishment one to remember - a year of which future generations will say we used our knowledge, summoned our volition and took united action which resulted in a reconciliation between racial and ethnic groups of this Province.

Human Rights Conference, Saint Mary's University, December 9, 1991. Two front rows, L to R: Percy Paris and Rev. Darryl Gray, Dr. Margaret Swan and Dr. Jamie Muir.

A Historical Overview Sydney Regional Office

David Beaton,
Regional Supervisor,

with a section by
Flemming Holm

Mike MacIntosh was appointed Regional Supervisor in 1972 for the Sydney Regional Office located on Townsend Street. This makes 1992 the 20th Anniversary of this Regional Office.

Flemming Holm, who has recently retired from the Canadian Human Rights Commission, was asked to recall the early years. Mr. Holm was Regional Supervisor after Mr. MacIntosh left for other employment. He served in this capacity from early 1973 to March 31, 1979, when he left to take up a position with the Canadian Human Rights Commission. His outline which follows as part of this report gives a good review of our operations during this time.

In reviewing some old news clippings, I came across some that dealt with the first Board of Inquiry in Sydney. The Board commenced shortly after the Act was amended to include protection on the grounds of sex. The decision that went against the complainant created a lot of controversy in the Province. An excerpt from a local daily is included in this report under the heading "Ryan's Revenge".

In the Spring of 1979, Helen Price, a Human Rights Officer from the Halifax office and a native of Truro, was appointed Regional Supervisor of the Sydney office. She served until the summer of 1984 when David Beaton was appointed to this position in September of that year.

In 1980, David Beaton had been appointed Coordinator of Programs for the Disabled Persons by the Provincial Government. This position was slotted into the Human Rights Commission under Section 19 of the old Human Rights Act, which allowed for the H.R.C. to approve programs for the benefit of disadvantaged groups. Mr. Beaton was designated to act as a liaison between government departments and organizations representing persons with disabilities. The appointment was a direct result of the 1980 amendment to the Act to include coverage for people with disabilities in services, facilities and accommodation. Before this appointment, Mr. Beaton was an active lobbyist on behalf of disabled persons concerns. He was heavily involved in representing national, provincial and local organizations serving people with disabilities. He retained some of the duties of his previous position when he became Regional Supervisor. These responsibilities were eventually absorbed by a new vehicle "The Disabled Persons Commission" set up under the Department of Community Services. Complaint investigations started to show an increase in volume since 1984. This was partly caused by the enactment of the Canadian Charter of Rights and Freedoms. During the mid and late 1980's there was a steady increase in the number of complaints and inquiries brought to the office. Emphasis was shifted from affirmative action and public education to complaint investigations. In 1987, Mr. Gordon Hayes joined the staff of the Regional Office as Human Rights Officer. A major responsibility of Mr. Hayes was to handle investigations and inquiries previously handled by the New Glasgow office. This new territorial responsibility included Antigonish, Guysborough and Colchester counties. Mr. Hayes made frequent visits to these counties. Marcey Stanley who was appointed Secretary in October, 1984 left for a more challenging career and was replaced by Sally MacDonald in August, 1987.

School conferences were maintained at a rate of approximately two a year. The Regional Office ventured into other vehicles of public education such as employment workshops, seminars and displays. These were often conducted in conjunction with other organizations. The Glace Bay and Sydney Human Rights Affirmative Action Committees have survived over the years. The Sydney Committee, which is a new committee of City Council, has had a number of successes since this change was implemented in 1982. It formulated the first Municipal Award for Human Rights in the Province with the creation of the Tom Miller Human Rights Award. This is presented at an annual banquet each year. The Glace Bay Committee has sponsored a number of local community programs for the betterment of that community and its minorities. Vic Jones, a noted Glace Bay citizen, has steered this committee through its good and bad times over the years. Boards of Inquiry, which were held sparsely in the early years, are more common today. These Boards have helped set jurisprudence for complaints in our Province.

It is my belief that as we move through the 1990's, the citizens of our region are becoming more sensitive and knowledgeable on Human Rights issues than any time in the past. It is my hope that this trend will continue in the coming years.

1972: Opening of Sydney Regional Office. L to R: Dr. George McCurdy, Rev. Vincent Waterman, and Commissioner H.A.J. (Gus) Wedderburn.

RYAN'S REVENGE

Roberta Ryan, the 22 year old North Sydney woman who wanted to become a police officer, may become a cause celebre instead.

A Halifax women's group has taken up her case and hopes to sponsor a fund-raising campaign to finance an appeal of the recent Human Rights Commission board of inquiry decision against Ms. Ryan.

The Women's Action Committee of Halifax has asked Sydney lawyer Elizabeth Cuzack Walsh, herself an active feminist, to look into the possibility of bringing such a legal challenge on Ms. Ryan's behalf. Ms. Walsh is now studying the legal possibilities of the case.

Ms. Ryan's application to join the North Sydney police force was rejected by the town council on the recommendation of Police Chief Ron Parsons despite the fact that she had served with the force for one summer and had completed a certificate course at Holland College Police Academy in Prince Edward Island.

By every important criteria, Ms. Ryan was better qualified than the men who were hired in her stead. She had one thing going against her: she was a woman.

When the town refused to hire her, Ms. Ryan took her case to the Human Rights Commission, since the Human Rights Act forbids employment based on sex. The attorney-general appointed a one-man board of inquiry, composed of Halifax lawyer Keith Eaton.

In testimony before the commission, Chief Parsons and other town officials gave two reasons for not hiring Ms. Ryan. She did not meet the height and weight requirements (to do so she would have to have been something of an Amazon) and, as a newly-hired officer, she would have been required under union rules to work the night shift, something a woman obviously couldn't do.

It's amazing the town could even put forward these arguments in 1975. But even more incredible is the fact that they were accepted by Mr. Eaton. The board of inquiry did not even question the possibility that the height and weight requirements were inherently discriminatory, even though there was considerable testimony and argument to this effect at the hearing.

Mr. Eaton did not even consider the possibility that Chief Parsons might have been guilty of discrimination when he decided that a woman could not perform back-shift duties.

Not only that, Mr. Eaton also found a king-sized loophole in the wording of the Human Rights Act. The act forbids sex discrimination in "providing or refusing to provide employment." It wasn't Chief Parsons' job to provide employment. His only task was to make recommendations to town council. The council, in turn, only accepted his recommendation. The act of refusing to provide Roberta Ryan with employment vanished somewhere in the legal ether betwixt those two acts.

It is imperative that Ms. Ryan seek relief from this decision before the Supreme Court of the province. To do so will not be an easy legal task, for among the many flaws in the Human Rights Act is the fact that it provides no mechanism for appeal from decisions of its boards of inquiry.

But we hope Ms. Ryan and her supporters will carry the case to court anyway, even if their efforts are doomed to failure because of legal technicalities. The case cannot help but focus attention, not only on this all-too-typical act of discrimination, but also on the inadequacies of our Human Rights legislation.

Women (and men, for that matter) in the Cape Breton area who would like to see a society where ignorance and prejudice do not limit individual opportunity, should support this appeal.

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* *Cape Breton Post, January 19, 1976.*

THE EARLY YEARS IN THE SYDNEY REGIONAL OFFICE – F. HOLM

The Sydney Regional Office of the Nova Scotia Human Rights Commission was opened early in 1972, with Mike MacIntosh as Regional Supervisor. He was assisted by Velma Moore (later Velma Scott) as secretary. Mike stayed for about a year, and transferred to CEIC. Velma remained as secretary throughout my six years with the office.

The Hon. J. William Gillis, whom I had known in Antigonish, was the Minister in charge of the Human Rights Act in 1973.

I was hired in early May, 1973. For the first two months I was in training in Halifax. My training consisted of reading files, going for drives with George McCurdy, the Executive Director, and visiting Shingai (Steve) Nyajeka who was the Regional Supervisor in the Western Region (Digby). I also saw some video tapes of a training session conducted by Ian Hunter.

For the first year of my employment by the Commission, I was responsible for the work in Antigonish and Guysborough counties, as well as that on Cape Breton Island. Then an office was opened in New Glasgow, to serve Northern Nova Scotia, from Amherst to Canso.

My work consisted of five elements, and each of the five took up approximately one fifth of my time.

The most obvious element was the investigation of formal complaints, i.e., allegations that the Nova Scotia Human Rights Act had been violated. I probably dealt with about ten such cases per year. One such complaint was eventually heard by a Board of Inquiry; the rest were resolved in the course of investigation. It was generally felt by Commission employees that the decision of the Board of Inquiry was unfortunate; however, there were no appeal procedures at the time so no reversal of the decision was possible. Later on, appeal procedures were added to the Act. Women's rights activists were not pleased with the decision.

The case in question was the first complaint alleging discrimination on the ground of sex to be heard by a Board following the addition of sex as a ground. The second complaint of discrimination on the ground of sex was dismissed by the Board - and rightly so, in the opinion of Commission personnel. Again, however, many advocates of women's rights were unhappy. In the third case alleging discrimination on the ground of sex the complainant was a man. He won his case. Needless to say, the cumulative results of the three cases did not add to our popularity among the advocates of equal rights for women. This was not unfortunate.

A second part of my work involved dealing with informal complaints and inquiries. For every formal complaint received there were many matters over which we had no jurisdiction. Many people in the community who felt they had been wronged, or who were merely perplexed, came to us with their problems because they did not know where else to go. We referred some of them to the appropriate agency, and helped others as seemed appropriate in the individual circumstances. At times we were simply unable to help. A case in point was that of a man who had looked in vain for a building lot within easy driving distance of Sydney, on which to place his mobile home; he felt that in this area where there was so much unoccupied space it was his right as a human being to be able to rent or buy such a lot. The concepts of human rights, and of Human Rights Commissions, were little understood in those days.

I remember George McCurdy telling us that many people who would approach us had already been greatly discouraged by their reception at other agencies, and needed to be given every possible reassurance, particularly if we had to refer them to another office. It might be necessary for us to drive them to their next appointment, or to make such an appointment for them; otherwise they might simply give up. And of course this was true, especially if they had been the victims of prejudice and discrimination throughout their lives.

A third area of work - my favourite - was in the field of public education. Being a United Church minister, I preached on human rights and related subjects in about half of the United Churches on Cape Breton Island, and in a number of churches of other denominations as well. During my first year on the job I had the honour of speaking at an ecumenical service in the course of the Week of Prayer for Christian Unity; the service was held in St. Theresa's Roman Catholic Church, Sydney, and was conducted by the Rev. Willis Henderson, Chairman of the Cape Breton Council of Churches and Minister of the United Baptist Church in Sydney. The Priest in charge at St. Theresa's was Rev. D. A. Doyle, who had been Rector of St. Ninian's Cathedral in Antigonish during my tenure at St. James in Antigonish. I had also known Mr. Henderson some years previously, while he and I were both serving in the Truro area. My experience as a minister was useful in this aspect of my work, as I was used to public speaking and doing educational work in the field of religion. During the six years I spent in Antigonish, just prior to joining the Commission, our service at St. James was broadcast on CJFX Radio once a month, so many of the people in Antigonish and Guysborough Counties and in the adjacent parts of Cape Breton Island were used to hearing my voice. This was of considerable help in establishing contact and trust with the clientele.

I also spoke to a number of service clubs and to the men's organization of the synagogue in Sydney, and was active in the Cape Breton Council of Churches.

I particularly enjoyed the high school conferences which began to be held early in my time with the Commission. I attended the first one, in New Glasgow, which was addressed by Dr. John Humphrey, Professor of Law at McGill University and perhaps the chief author of the Universal Declaration of Human Rights. Dr. Humphrey gave a most scholarly address. Unfortunately, it was rather too learned for the audience, and at least twice as long as it should have been to keep the interest of the several hundred high school students in attendance. Along with introductions and rather lengthy speeches by representatives of three levels of government, it took up the morning. Insufficient time was given to participation by the students.

Then we held conferences in Sydney, in Glace Bay and in St. Peters. These three were organized and directed by Mr. McCurdy. Our Director was always most careful to invite representatives of government at every level, and would never have dreamed of setting a time limit on their speeches. As a result we often had four major speeches on the first morning of the conference. As time passed, however, his trust in me grew, and I was permitted to organize the conferences in Cape Breton myself. I was careful to suggest to each government representative to restrict remarks to three minutes, as we had asked someone else to make the keynote speech. They always complied graciously.

And what keynote! Dr. Carrie Best of New Glasgow, an octogenarian, held the New Waterford students spellbound. In Dominion, a handsome young man in his late twenties, a silver-tongued orator from Nigeria, who had benefitted from a British classical education took us from the prophets of the eighth century B.C. to the present and around the world in less than half an hour and was a tremendous hit with the students in Dominion. Noel Knockwood, Micmac spiritual leader, presented a picture of the treatment of the Natives by the white men, a picture which may have been biased, but which provided a much needed corrective to the view we had received in school textbooks of the Indians as savages, massacring innocent white colonists. The Hon. Allan Sullivan was Minister in Charge of Human Rights during most of my time in Sydney; he joined us at Louisburg and gave the keynote address there.

In addition to the keynote speakers - and I cannot remember who they all were - we enjoyed the help of many people such as Noel Doucette, Mary Rose Julien and Peter Christmas of the Indian communities; and Victor Jones and Claudia Douglas of the black communities. Students researched various aspects of human rights and spoke on their findings. Other students formed reaction panels, each class in the school spent a double period in discussion of human rights issues, and at the end of the conference an adult reaction panel summed up the findings.

We also had a day-long in-service with the teachers in the Glace Bay system - the first in the Province. It was my feeling, and still is, that the school conference format is particularly well suited to junior and senior high schools; the elementary students are better served by educating their teachers who will then be equipped to deal with human rights issues as they come up day by day in the school, in the community and in the media.

We held nine such conferences in Cape Breton during my time there: in Sydney, Glace Bay - Morrison, Glace Bay - St. Mikes, New Waterford, Dominion, Louisburg, St. Peters, Baddeck, and Whycocomagh.

George McCurdy had a dream of having a Human Rights Affirmative Action Committee in every community across the Province - or at least as many communities as possible. He convinced Allan Sullivan of the wisdom of such a plan. And since Allan knew Cape Breton, and since I had had considerable experience in dealing with committees, it was decided that we would try to establish such committees in the eight jurisdictions within Cape Breton County: the rural municipality, the city of Sydney, and the six towns. Allan, George and I met with the Cape Breton Joint Expenditure Board, i.e. the Mayors and Warden. Through those officers the request was presented to the Councils, and the committees were formed. Some of them were quite successful, others less so. We appreciated particularly the efforts made by Mayors Dan Munroe of Glace Bay and Arnold Baxendale of Sydney Mines and by the Warden of the County, Ed Kyte. The committees met more or less monthly, usually for a period of two hours. In each case, our first task was to educate the members of the committee as to the meaning of the term Human Rights as used in legislation. Some committees soon caught a vision of the needs and of possible achievements. In other cases the Council was inclined to deny the existence of any human rights problems in its jurisdictions; the support of the Mayor and Council was most important to the success of the Committee. Where there was a frequent turn-over of membership, much time was spent bringing the new members on board. The chief contribution of one gentleman, as I remember it, was to tell us that what the Micmac people needed most was to pull up their socks and work as hard as he had done; if they did that, they would soon be just as successful as he had been. Not a particularly helpful remark.

Some of the committees eventually ceased to exist. A plan to organize a coordinating committee consisting of the chairpersons of the local committees never did materialize. On the other hand, a committee was organized in Victoria County, with representation from the town of Baddeck and the Wagnatcook Reserve; it was beginning to show results when I left. All in all, perhaps the most important result of all the meetings we held was the growth in understanding, sensitivity and acceptance on the part of the committee members. I remember, for example, the response of Victor Jones and the other Black members of the Glace Bay Committee when Lauchlan Rutt of the Paraplegic Association spoke of the difficulties he had met as a handicapped person; there was an immediate recognition of common experiences and of a common cause. The growth in awareness on the part of committee members surely spread to other people in the community and spread in ever-widening circles throughout the area.

The fifth area of work was in employment. In some cases the Affirmative Action Committees had a share in our employment programs; this was particularly true in Glace Bay. The Commission had agreements with a number of employers in the Province - Zellers, Sobeys, etc. Under those agreements we were informed whenever the employers had vacancies in their work forces. We interviewed and counselled applicants from the black and Indian communities, maintained lists of minority persons and made referrals. In practice, I generally set each Thursday aside for our employment programs, visiting or phoning each manager. Generally, if the employer was interviewing, he would interview the person we had referred along with two to four others, and give that person an even chance with the other interviewees. In some cases, the employer would interview only our candidate, and if that person met certain minimum requirements, he would be hired. I helped some 50 persons to find work, and the jobs were mostly entry-level, first-time jobs, part-time positions for students - not a large number and not prestigious, but of some help in a tightening job market. And I experienced the gratitude of a number of young people, of their parents and of their community leaders.

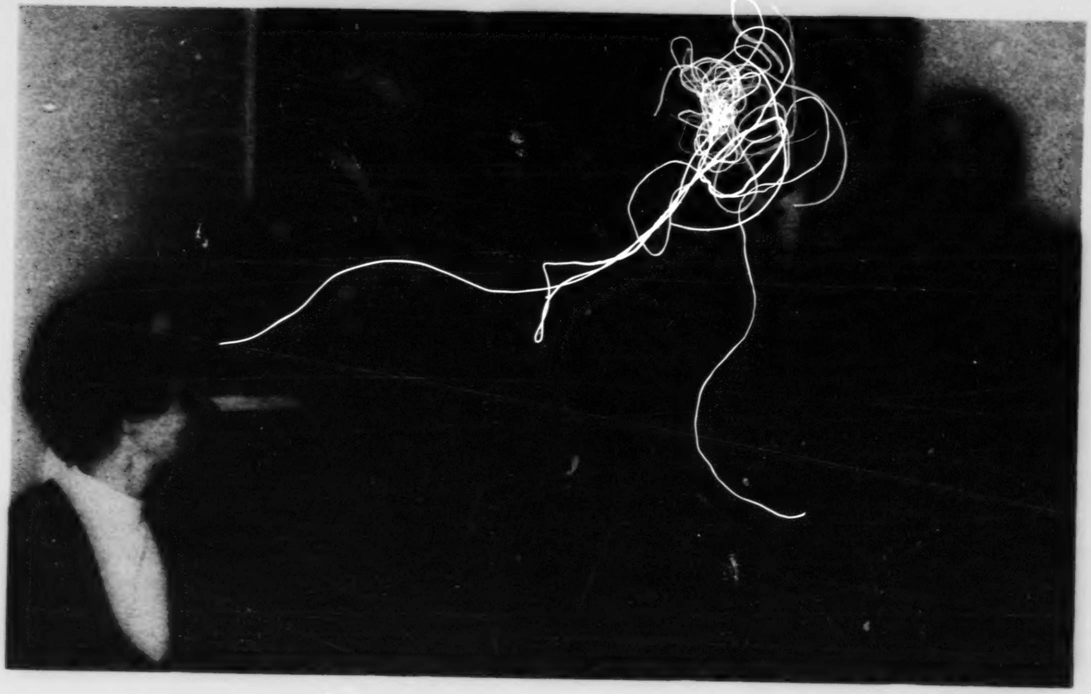
In 1973-74 we expected that John Shaheen would build an oil refinery at the Strait. Here, we thought, was our chance to help the people of the black and Native communities of the area to get work. We secured the cooperation of the unions involved in the building trades - George McCurdy had been involved in such union activity in his younger days and knew how to talk to such people. The unions of course had to look after their own members first. But they were sure they would need more labourers and tradesmen than they had on their membership lists, and they were willing to sign up some minority people from Afton, Upper Big Tracadie, Lincolnville and Sunnyville as prospective members.

Once a week I drove my Volkswagen to Antigonish, rented a bigger car and picked up a number of prospective members and took them to New Glasgow to register with the Unions - generally the labourers. Then we went to a restaurant for a meal and I returned them to their homes. On one occasion I took the group to my parents' farm at Abercrombie, and mother gave them a good home-cooked meal. Years later I met a man from Lincolnville who had been with me on that day and remembered that event.

George McCurdy also, in cooperation with the Unions and CEIC, organized a six week course in construction to prepare these people for the jobs at Shaheen. The course was held in four locations: at Afton and in the three black communities. About 70 men (and one woman) were taught life skills, brick-laying, etc., and a chimney was built at a house in each community.

Unfortunately the plans did not materialize, and the Shaheen refinery was not built. But I understand that a number of houses in the area soon sported new chimneys. So the efforts were not all in vain.

One of the joys of the job was the opportunity it gave me to travel throughout the beautiful island of Cape Breton, to absorb something of the rich culture of the area, and to make friends in the black communities in Sydney, Glace Bay and New Waterford, and on the five Indian reserves. Now and again - not as often as I would have liked - I made a two day journey to Wagmatcook, Whycocomagh, Port Hawkesbury, Chapel Island and home, spending a couple of hours in each Band Office and meeting the people there. And during the year when I was responsible for Antigonish and Guysborough, as well, I made a weekly trip to the mainland and checked the answering machine in the little office in Antigonish. Now I know that as a result of my six years with the Nova Scotia Human Rights Commission I have friends all over eastern Nova Scotia. The fact that many of them are visible minority people gives me joy and satisfaction.



Opening of Sydney Regional Office. L to R: Velma Scott, Secretary; Carl Neville, Mayor of Sydney; Hon. J. William Gillis, Dr. W. Andrew MacKay, and Mike MacIntosh, Regional Supervisor, 1972.

NORTHEASTERN REGIONAL OFFICE OF THE NOVA SCOTIA HUMAN RIGHTS COMMISSION

BEVERLEY M. BONVIE

1974 - 1992

The New Glasgow Regional Office of the Nova Scotia Human Rights Commission officially opened its doors on September 4, 1974 with Gerald Boudreau as the Regional Supervisor. At the time its territory included the counties of Pictou, Antigonish, Guysborough, Colchester and Cumberland.

The mandate to enforce and administer the Nova Scotia Human Rights Act was immediately put into operation.

It was in this same year, 1974, that the first Human Rights Conference was hosted New at Glasgow High School. This paved the way for the development of a formal procedure for meaningful development for dialogue by students in the vitally important area of human rights.

The Commission, in attempting to right some of the imbalances that existed in the employment sector, looked to employers to impact direct action on this problem. On December 9, 1974 Aerovox Canada Limited entered into an agreement of understanding to have more minorities reflected within their workforce. As well, the Civil Service Commission of Nova Scotia followed this lead.

The programs initiated by the Commission in the area of public education and affirmative action have always been an ongoing function of this office and this can be reflected in the following list of school conferences, awareness sessions, formation of affirmative action committees, affirmative action agreements, workshops, special observances, liaison with community, ethnic and minority groups, womens' organizations, organizations serving disabled persons and research that this office location has initiated or has participated in:

School Conferences have been conducted at:

Amherst Regional High School (1975)
St. Charles School, Amherst (1977)
Antigonish Regional High School Conference (1977)
Cobequid Educational Center Conference (1977)
Guysborough Municipal High School (1978)
New Glasgow High School Conference (1978) & (1983)
Florence Condon Jr. High School, Trenton (1979)
Trenton High School Conference (1979)
Truro Elementary Schools (1979)
Frank H. MacDonald School and East Pictou Rural High School Conference (1979)
Adult Vocational Human Rights Affirmative Action Committee Conference (1981)
Mary E. Cornish Memorial School Conference (1981)
Antigonish Regional High School Conference (1981)
Springhill Senior High School (1983)
Guysborough High School Conference (1984)

AWARENESS/INFORMATION SESSIONS

C.E.I.C., Antigonish (Topic: Human Rights in Employment - 1975)
CKDH Radio Presentation, Amherst (Topic: Human Rights - 1975)
Atlantic Child Guidance Meeting, Halifax (1974)
Visit to Regional Office, New Glasgow by Prof. Ian Hunter (1975)
Anti-Klan Meeting, Halifax (1981)
Amherst Town Council (Human Rights & Affirmative Action)
Truro Police Awareness Session (1984)
Nova Scotia Liquor Commission Awareness Session (1984)
New Glasgow Police Awareness Session (1984)
Pictou County Regional Transit Authority (Awareness Session, sexual harassment)

SPEAKING ENGAGEMENTS

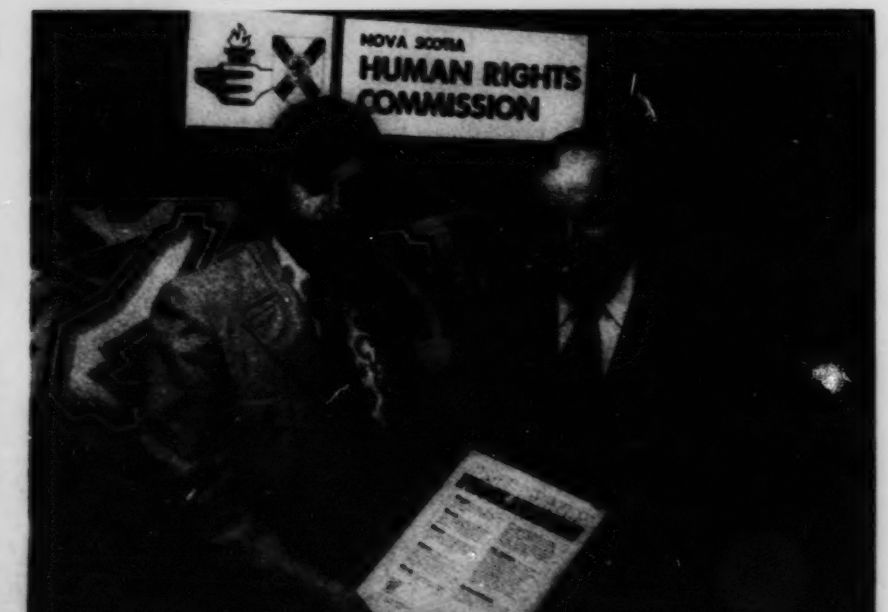
Antigonish Inter - Agency Forum (1975)
In service for Teachers at Pugwash District High School (1975)
International Womens' Year, Amherst (1975)
Rotary Club, Amherst (1975)
Truro Canada Manpower Centre (1975)
Antigonish Regional High School - Grade 12 students (1975)
A.M.E. Womens' Institute, Amherst (1981)
Nova Scotia Teachers' College, Truro (1982)
Guysborough Career Exploration for Women (1982)
South Colchester High School (1982) - Sociology Class
Westville High School (1983) - World Problems Class
Colchester Black Social Club (1983)
C.E.I.C. Female Staff, Antigonish (1984)
So. Brookfield High School (1984)
    - Sociology Class
Amherst Ministerial Association (1984)
Pictou County Community College (1989)
Crawley Business Management Retail Merchandising Class (1990)
Antigonish/Guysborough Learning Centre
    (1990)
John Howard Alternative Measures Program
    (1991)
A. G. Baillie School, New Glasgow (1991)
Congregation of Second United Baptist Church
    (1992)
Thorburn Consolidated School (1992)
Town of New Glasgow Public Reception (1992)
    - Int'l. Day for Elimination of Racial Discrimination
Walter Duggan Elementary School (1992)

Gerald Hamm, deputy mayor of New Glasgow, Alan Fleming, Affirmative Action Committee member, Mrs. Williams, and Duncan Macnab, Public Education Officer, 1977.

CONFERENCES/WORKSHOPS

Human Rights Affirmative Action Committee Conference at Coady International Institute (1975)
Human Rights Conference at N.S. Teachers' College (1979)
Human Rights Workshop at St. F.X. Univ., sponsored by Antigonish Affirmative Action Committee
CASHRA Conference, Windsor, Ontario
7th Annual Assembly of Native Council of N.S. (panelist) - (1981)
Truro Workshop - Human Rights and Prejudice (1982) thru Truro Affirmative Action Committee
Black Awareness Inter-Action Conference, New Glasgow (1982)
I.A.O.H.R.A. Conference, Halifax (1982)
Amherst Conference on Human Rights (1982)
Provincial Human Rights Conference (1983) - Workshop Coordinator
Labour Conference (1983) - Combatting Racism & Sexism in Workplace in 80's
Workshop/Informational Session on Disabled, Antigonish (1984) special guest speaker (Family Court Judge, Donald Tramble)
St. F. X. University Conference on African Studies (1984)
Consolidating Human Rights & Race Relations Conference - Challenges for the Last Decade of the 20th Century, Halifax
Racism Workshop conducted by Association of Black Social Workers, New Glasgow (1992)

1974, Allan Rodgers, Millwrights Union, local 1173, who was also president of the Labour Council, with Hon. Allan Sullivan, minister-in-charge, Nova Scotia Human Rights Act, at the opening of the New Glasgow Office.



LIAISON WITH COMMUNITY/GROUPS

Civil Service Commission
Union of Nova Scotia Indians
Union of Non-Status and Metis Association
Pursuer Society
Nova Scotia Youth Training Centre
Central Highland Association for the Disabled
Tearmann House for Battered Women
Community Meeting, Truro, re Leon Sullivan Conference
Federation of Racial, Religious, and Ethnic Equality
Community Meeting, Lincolnville
Open Forum on Racism (sponsored by Friends in the Struggle for Justice) N. Glasgow
Pictou District School Board
Pictou County Womens' Centre
Native Council of Nova Scotia
Pictou Landing Band Council

SPECIAL OBSERVANCES WHICH REQUIRED COMMISSION ATTENDANCE

10th Anniversary of Antigonish Human Rights Affirmative Action Conference (1982)
International Human Rights Day
Retirement of Former Director of NSHRC, Dr. George F. McCurdy (1984)
Black History Month
International Womens' Year
Dr. Martin Luther King Jr. Celebration
International Day for the Elimination of Racial Discrimination
Presentation of Certificate of Recognition to outstanding individual in the (1992) struggle for equality, 1st recipient from Town of New Glasgow, Dr. C. M. Best
Unveiling of historical plaque of Black Community of New Glasgow at Town of New Glasgow Council Chambers (1992)

PROGRESS IN THE AREA OF AFFIRMATIVE ACTION

- Aerovox Canada Ltd. signs Affirmative Action Agreement with NSHRC (1974)
- Civil Service Commission signs Affirmative Action Agreement with NSHRC
- Innkeepers Guild of N.S. signs Affirmative Action Agreement with NSHRC (1976)
- Metropolitan Stores and Schwartz Canada follow
- Town of Truro signs Affirmative Action Agreement with NSHRC (1978)
- Town of Amherst endorses restructured Affirmative Action Committee (1978)
- St. F. X. Univ., 1st univ. in Nova Scotia signs on Affirmative Action Agreement (1980)
- Latimer Construction Ltd. signs Affirmative Action Agreement with NSHRC - 1st construction firm in Nova Scotia to do so
- Ryans' I.G.A. signs Affirmative Action Agreement with Commission (1983)
- Scott Maritimes Ltd. signs Affirmative Action Agreement with Commission (1985)

ACCESSIBILITY

In 1982 this office relocated to the Maritime Building, Provost Street, New Glasgow to permit accessibility to the Disabled.

This has been our third location. We are now located in the Province of Nova Scotia Building at 176 Archimedes Street, New Glasgow.

There have been three Regional Supervisors operating from this facility, namely GeraldBoudreau, James F. Hughes and Mrs. Patricia Skinner respectively. This location now finds Beverley M. Bonvie as the only staff person responsible for the continuous operation of this office. While she engages herself in preliminary collecting of information respecting complaints, the investigations are conducted from the Sydney Regional Office.

Opening of the New Glasgow Office. L to R: Beverley Bonvie, Dr. W.A. MacKay, Hon. Allan Sullivan, Gerald Boudreau, and Francis Paris, 1974.

Through the course of years this office prided itself in having been successful in conciliating most of the complaints of alleged discrimination but when this avenue failed the necessity for Public Board of Inquiries arose.

In the area of public education, virtually hundreds of articles of information have been distributed to individuals and students conducting research on a variety of topics. We continue to receive speaking engagement requests and we do everything in our power to meet the request.

The Town of New Glasgow, which has recently formed an Affirmative Action/Multiculturalism Committee, has sought the advice and input of this office repeatedly to enable it to promote this setup. This office looks forward to strengthening this ground of communication.

On a routine basis, the office receives upwards of 20-30 inquiries per month.

Affirmative Action Committees are actively operating in Antigonish, Truro, St. Francis Xavier University and plans to revitalize the defunct New Glasgow Affirmative Action Committee have been initiated and are ongoing.

The Antigonish Human Rights Affirmative Action Committee is the oldest Committee in the province and this year, 1992, it celebrates its 20th year in operation.

Professor Andrew MacKay, Commission Chairman, the Honorable Allan Sullivan, Minister in charge of the administration of the Human Rights Act; Anita Dubinsky, Commissioner; Gerald Boudreau, Regional Supervisor, New Glasgow; and George McCurdy, Director, 1974.

Human rights in the province began with the struggle for racial justice. Digby, the first regional office, opened its doors in 1971 following numerous complaints in the area based on race discrimination. Counties served include: Hants West, Kings, Annapolis, Digby, Yarmouth, Shelburne, Queens, Lunenburg (part).

The office was originally located upstairs at the Fundy Restaurant Building, Digby. In 1981, during the International Year of Disabled Persons, the regional office moved to accessible quarters in Basin Place, Water Street, Digby.

Throughout the 20-year history of this office, regional supervisors have included:

HARRY GESNER (1971 - 1972) - Mr. Gesner is currently a school teacher in the Nova Scotia school system. In September 1971, Mr. Gesner presented a written submission on minority concerns to the Royal Commission on Education, Public Services and Provincial - Municipal Relations.

SHINGAI D. (STEVE) NYAJEKA (1972 - 1975) - Mr. Nyajeka is presently with the Dept. of Municipal Affairs. He was the founding secretary of C.A.S.H.R.A. (Canadian Association of Statutory Human Rights Agencies) - 1973; the Nova Scotia Human Rights Commission, under his direction, coordinated open meetings to present and discuss "Textbook Analysis" - 1974; he was elected President of the Digby and Area Multicultural Association (now Western Nova) - 1975.

CHERRY M. PARIS,
REGIONAL SUPERVISOR

DAVID STATES (1975 - 1978) - Mr. States is presently with Parks Canada, formerly with the Ethnic Services Division of the Department of Education. Mr. States continues his research in Black History.

JAMES HUGHES (1978) - Mr. Hughes is now retired and owns Sleepy Hollow Bed and Breakfast in Wilmot; formerly, he was Regional Supervisor at the New Glasgow Office of the N.S. Human Rights Commission. During his interim posting, Mr. Hughes resolved numerous formal cases.

CHERRY PARIS (1978 - PRESENT) - In June 1983, Ms. Paris published the book An Unclouded Day - A Brief Account of the Black Loyalists. In 1989, Ms. Paris had an article published in the Journal of Education - "Human Rights and the School." She is a member of the Education Incentive Program for Black Students committee, a board member of the Public Legal Education Society of N.S., a founding member of Southwest Nova Transition House Association which resulted in Juniper House in Yarmouth, a founding member of Digby-Annapolis Women's Network, and is on the executive of the African United Baptist Association of Nova Scotia.

Regional secretaries have included: Lorna Mullen (1971 - 1974) - Ms. Mullen left to assist her husband in business and to raise her family; her son Jason was a key presenter at an elementary conference. Charlene Theriault (1974 - 1977) - Ms. Theriault left to take up employment at Universite Ste. Anne, Church Point. Sandra Everett (1977 - present) - Ms. Everett continues her duties as regional office secretary.

Special mention should be made of the late Mrs. Irene Gibson who took care of the physical office and was a wonderful inspiration as to what humanity can become when guided by love, patience, understanding and acceptance. Ms. Beverly Cromwell presently takes care of the physical office.

Human Rights Commission members through these years have included the following: Jean B. D'Entremont, West Pubnico; Janet Rawding, Greenwood; Ernest Surette, Amirault's Hill; and Edouard LeBlanc, Saulnierville.

STATISTICAL INFORMATION

Case Investigation:
During the Commission's 20 years serving western Nova Scotia, 294 formal complaints were processed, with 12 going to Boards of Inquiry. During the first 10 years of operation, 122 formal complaints were received, most (55%) on the basis of race, and 8 went to Boards. During the last 10 years of operation, 172 formal complaints were received, most (42%) on the basis of sex (m/f), with 4 going to Boards.

Informal Inquiries:
Approximately 8,400 general inquiries have been received to date, averaging approximately 420 per year. These include requests for information/assistance, informal investigations, and referrals.

Public Education:
Speaking engagements average approximately 21 per year. Numerous awareness sessions and workshops have been held on child abuse, elder abuse, legal education, sexual harassment, racism, human rights, teen issues, cultural awareness, spousal abuse, mental disability, employment, education. Inservices have been held for teachers and administrators. Two community conferences have been held (Weymouth Falls and Windsor Plains), and awareness sessions have taken place for municipal/town employees, businesses and school boards.

To date, there have been 18 week-long student conferences, with numerous partial-week conferences. Highlights of school conferences included resource people such as Eric Smith, Donald Marshall and Robert Upshaw; keynotes such as Noel Knockwood; and the Digby Regional High School 1987 conference with original songs composed by teacher Bill Daichun (Mandela's Rebels and Canada) a huge wall mural, school human rights buttons, and a special Digby Regional High School Student Declaration on Human Rights, all of which led to a one-of-a-kind "Award of Distinction" from the province.

Assistance has been given to school boards, businesses and companies with respect to the implementation of policies/guidelines on race relations, sexual harassment, hiring, and human rights.

The western office has 134 information files used by groups and individuals doing research for projects or term papers. Approximately 2,800 pieces of human rights literature are distributed per year to speaking engagements, respondents/complainants, general inquiries for information. This does not include literature given out at workshops, information days, etc.

Speaking engagements have included presentations to university administration, university students, school students and staff (elementary, junior and senior high), hospital auxiliaries, Correctional Services, continuing education students, C.A.M.R. and C.L.A.S., Boards of Trade, Knights of

Columbus, Lions Club, Kiwanis Clubs, C.U.P.E., etc.

The regional office has played a major role in the following: National Access Awareness Week, Children's Candlelight Vigil, Black History Month, International Women's Day, International Day for the Elimination of Racism and Racial Discrimination, workshops for seniors and women, Special Olympics, Domestic Violence Committee, Education Incentive Program for Black Students, International Human Rights Day. Other community involvement included: drug dependency, C.N.I.B. campaign, South Western Organization for the Rights of the Disabled (S.W.O.R.D.) awareness days, Canadian Paraplegic Association campaign, Digby and Area Interagency, Rally for Survival, R.C.M.P. Recruitment.

Affirmative Action:

Affirmative action programs began in Antigonish in 1972 following reports of racial conflict between black and white youth. This became the vehicle for change in areas of employment, education and other areas affecting the lives of minorities. These programs continued throughout the province. In the western area of the province, committees were established in Yarmouth (1981) and Wolfville (Acadia University - 1984); four affirmative action agreements were signed - Bordeaux Maintenance, Rio Algom, Acadia University and the Children's Aid Society of Shelburne County; and regular contacts were maintained with 18 stores who were part of affirmative action agreements. In addition, a number of hotels, M.T.& T. offices were listed and approached to start new programs.

From the affirmative action committees have stemmed numerous workshops, special observances, contact with town, municipal, provincial, federal representatives in matters promoting human rights.

A FEW HIGHLIGHTS THROUGH THE YEARS

1971:

Regional Office opens in Digby

1972:

Survey conducted in Annapolis Royal and municipality, Bridgetown and Digby and sponsored by the Nova Scotia Human Rights Commission. "A Call for Equality" provided insight into the human conditions of racial minorities in this part of the province. Survey also outlined possible areas of improvement. The report revealed that of 177 employable Blacks in the Digby to Bridgetown areas, only 43 had gainful employment. Unemployment on Indian Reserves stood at 80%. Most black students were in general courses in school, few got beyond grade 10, fewer still advanced to post-secondary institutions. The school drop-out rate for Native Indian students was a staggering 96.6 percent. In general, whole segments of the history and culture of minority groups weren't taught in our schools. Educational institutions were among the worst offenders in encouraging prejudice and in alienating minority students from the academic world. The average income for a black family was less than $3,500 per year.

1972 - 1973:

Regional Supervisor, Steven Nyajeka, served as the founding secretary of the Canadian Association of Statutory Human Rights Agencies.

The first industry in this province to undertake an affirmative action approach in employment was Maritime Tel and Tel. In 1973, Sobeys Stores Ltd. entered into an agreement with the Commission. In the western region, affirmative action approaches have reached employers, industry, educators, school boards, police, ministerial associations, town officials, municipal officials, women's groups, persons with disabilities, multicultural groups, participants in continuing education classes.

Textbook Analysis was published after many complaints of racist bias in school texts. The regional office became involved in follow-up activities to this publication to further address the topic.

1973:

The Commission convened public meetings at Digby, providing an opportunity for citizens to discuss the role and functions of the Commission and human rights problems experienced in their area. The Digby meeting resulted in a two-day seminar in March, one of which was spent in a special student seminar at the district high school.

1973+ -

The regional office was involved in activities to dignify the Decade to Combat Racism and Racial Discrimination in Nova Scotia.

1975:

The Commission's Director was among those participating at the dedication of the new C.F.B. Cornwallis Gymnasium named in honour of the late Petty Officer William Edward Hall, a distinguished native Nova Scotian and Seaman who in 1857 volunteered to join a gun crew at Lucknow, India, and, when all crew members were killed except William Hall and a badly wounded lieutenant, he fired the charge which opened the wall, freeing the British to enter. For his bravery, Able Seaman William E. Hall was awarded the Order of the Victoria Cross on November 16, 1857. He was the first Nova Scotian, the first Canadian sailor, and the only black Canadian to receive the award, the highest honour of the British Crown, awarded for individual and exceptional valour in the face of action.

1975 - 1976:

The Nova Scotia Human Rights Commission published Sexism in School Textbooks which opened the eyes to stereotyping and discrimination between men and women, boys and girls. The regional office became involved in follow-up activities to the publication.

1978:

A Board of Inquiry into charges of race discrimination at Digby Regional High School ended without hearing testimony when an agreement acceptable to all parties to the complaint was reached. One of the terms of settlement was that a liaison committee, comprised of representative of the black and white communities, the school board, Commission, superintendent of schools, principal and

Shingai Nyajeka.
First Regional Supervisor,
Digby Office, 1972.

teachers be established to oversee the implementation of the agreement and encourage communities to improve the human rights climate in the community. The incoming regional supervisor was involved in many meetings throughout the year (June 1978 - June 1979) in carrying out the 8-step settlement.

Dr. Dan Hill, the first director and subsequent chairperson of the Ontario Human Rights Commission, and Dr. George McCurdy, visited the Digby office during the implementation of the Digby Regional High School/Black Community settlement.

This year also saw Digby marathon runner Vernon Simms run the 190-mile distance from Digby to Halifax to focus attention on human rights in the province. He carried a scroll from the black communities of Acaciaville and Conway, who sponsored his venture, to be presented to the Premier on his arrival at the Commons. The Nova Scotia Human Rights Commission was also one of the sponsors of this run.

1980:

August 15th saw a re-enactment of Nova Scotia's first settlers to Port Royal, marking the 375th anniversary of Samuel de Champlain's part in 1605 and the national holiday of Acadians. With this re-enactment, the voice of the black people of the province was also heard. Ken Pinto, then Chair of the Black Festival Steering Committee, gave a brief introduction of Matthew da Costa, black translator with Champlain. Da Costa was played by Joey Skeir of Halifax. Chief Donald Marshall Sr. played the part of Chief Membertou.

1981:

Regional Office moved from an upstairs location to accessible quarters at 68 Water Street in Digby, an appropriate move during International Year of Disabled Persons.

Human Rights Education Conference at University of Quebec was held with regional supervisor bringing back full report to the Commission.

1983:

Office accepted a request from Mary Gillis, Provincial Coordinator of United Empire Loyalists Bicentennial Association, for assistance in coordinating events in the black community of Digby and area. History was researched and history segments documenting the period of Loyalist history were taught by Clyne Boodoosingh and Cherry Paris at the Acaciaville-Conway Community Centre throughout the school year (10 lessons), culminating in a banquet and program and presentation of a book on the history of the Loyalists by the regional supervisor. Many of the 86 persons attending were in period dress.

1984:

Regional Supervisor was invited to an education conference at Mount Saint Vincent University to give a presentation on the topic "Teaching Minority Group Children".

1985:

Regional Supervisor gave a presentation to the staff of the Department of Community Services in Annapolis Royal on the topic "The Struggles of Minority Peoples".

Regional Supervisor served on a panel at the spring session of the Atlantic Baptist Fellowship on the topic "The Role of Women in the Church".

1986:
Regional Supervisor coordinated Human Rights Day activity. Guest speaker was Dr. Nathan Mair who prepared an audio tape for Annapolis Valley Radio which covered the area from Hants County to Clare.

1988:
Regional Supervisor addressed Yarmouth Library's 40th anniversary on the topic "The Universal Declaration of Human Rights and Human Rights Legislation in Nova Scotia".

Regional Supervisor presented awards at the Multicultural Association of Nova Scotia's public speaking contest at Digby Regional High School.

Regional Supervisor coordinated Person's Day breakfast; literacy contacts were set up for representatives; Cultural Awareness Youth Group conference convened at Saint Mary's University with Regional Supervisor as workshop facilitator on the topic "Power Structure in Small Communities".

1989:

Regional Supervisor was speaker for the 20th anniversary of Black Educators' Association annual banquet at Holiday Inn, Dartmouth.

1990:
Special request by Dr. Renn Holness, Chief of Neurosurgery, V.G., regarding list of black/native students interested in medicine, was completed province-wide with the assistance of schools throughout the province.

1990 - 1991:
Regional Supervisor served as provincial committee member for the Canadian Chair in Black Studies at Dalhousie University, participated in the "Africa Prize" preparations for Digby audience, assisted in the promotion of Basin Productions (a two-person approach to the problems of racism and prejudice in the schools - plays are entertaining yet educational).

1991 - March/92:
This period saw an increase in the complaint load, continued requests for speaking engagements, school visits and conferences, requests from the libraries (western counties) to do presentations. In situations involving workshops, we are seeing larger audiences and it was noted during the observance of International Day for the Elimination of Racial Discrimination that more people (children and adults) took a button "Let's Stop Racism" and pinned it on their coats immediately, a sign of change. There is also heightened awareness of domestic violence, child abuse, poverty, alternatives to a staggering economy and a desire on the part of many to move towards an anti-racist society. Education continues to be the key to making a difference in human rights goals for the province.

Present at the opening of the new Human Rights Commission offices in Digby in 1971 were: L to R: Chairperson of the NSHRC Dr. Andrew MacKay, Digby Town Councillor Patricia Wilson, MLA Joe Casey, MP Coline Campbell, Director of the NSHRC George McCurdy and seated: Myrna Ells.

" I never did this job thinking I would change the world. I do it because I like it, it's a challenge, and I appreciate a job that allows me to be useful. I like to think that sometime I was useful."

Nurse Elisabeth Carrie

Seated L to R: Irma Farmer, Patricia Grosse, Bridge Pachai, Lois Smith, and May Lui. Standing L to R: Priti Jana, Gerry Boudreau, Ed Russell, Janet McKinnon, Denise Moore, Thane Pleasant, Phil Comeau, David Eagles, Maureen O'Connell, Herb Desmond, and Jennifer Downey.

25TH ANNIVERSARY STAFF PROFILE

PHOTOGRAPHS
DESIGNATION
YEARS OF SERVICE WITH
NOVA SCOTIA HUMAN RIGHTS COMMISSION

NOVA SCOTIA HUMAN RIGHTS COMMISSION
25TH ANNIVERSARY STAFF PROFILE 1992

CENTRAL OFFICE - HALIFAX

NAME	POSITION	COMMENCEMENT DATE
Dr. Bridglal Pachai	Executive Director	August, 1989
Ms. Patricia Grosse	Executive Secretary	February, 1985
Mr. Philippe Comeau	Administrative Officer	April, 1975
Ms. Irma Farmer	Secretary	June, 1974
Ms. May Lui	Public Education Officer	September, 1978
Mr. Reggie Newkirk	Coordinator of Race Relations	October, 1991
Ms. Lois Smith	Executive Secretary	March, 1986
Ms. Francine Comeau	Coordinator of Investigation and Compliance	September, 1979
Mr. Gerald Boudreau	Human Rights Officer	September, 1974
Mr. Edward Russell	Human Rights Officer	April, 1977
Ms. Norma Williams	Human Rights Officer	October, 1978
Ms. Janet McKinnon	Human Rights Officer	January, 1987
Ms. Maureen O'Connell	Human Rights Officer	May, 1989
Ms. Denise Moore	Human Rights Officer	April, 1989
Ms. Carolyn Thomas	Coordinator of Affirmative Action Programs	July, 1973
Mr. Herbert Desmond	Affirmative Action Officer	December, 1989

Beverley Bonvie, New Glasgow Office.

Reggie Newkirk, Coordinator of Race Relations (October 1991 to July 1992.

Ms. Jennifer Downey	Chief Central Registry Clerk	January, 1980
Ms. Jacqueline Sparks	Secretary	January, 1978
Ms. Priti Jana	Receptionist	October, 1989

REGIONAL OFFICES
SYDNEY

Mr. David Beaton	Regional Supervisor	September, 1980
Mr. Gordon Hayes	Human Rights Officer	April, 1987
Ms. Sally MacDonald	Secretary	July, 1987

DIGBY

Ms. Cherry Paris	Regional Supervisor	May, 1978
Ms. Sandra Everett	Secretary	November, 1977

NEW GLASGOW

Ms. Beverley Bonvie	Secretary	September, 1974

Francine Comeau, Coordinator of Investigation and Compliance.

Standing left: Gordon Hayes, HRO Sydney Office. Seated David Beaton, Supervisor, Sydney Office.

" I am not urging that we set up a national waxworks. But the Canadian imagination is still peopled almost exclusively by heroes and heroines of other nations, and our knowledge of who we are has suffered as a result. The crises of times past have thrown into prominence many men and women who have articulated and defended an idea of Canada that has illuminated the Canadian journey. These Canadians - men and women of courage and compassion - were committed to an idea of Canada that we can all share today, an idea that goes deeper than the division of powers, an idea more eloquent than any set of constitutional proposals, an idea that took root long before the present crisis and which will endure beyond it - a faith in fundamental freedoms and in tolerance for all people. This idea of Canada represents the highest aspirations of any nation, and it evokes the best in our Canadian traditions".

Thomas R. Berger

Dr. George McCurdy and Terry Symonds, September 1975.

IN MEMORIAM

DR. GEORGE W. MCCURDY
DR. P. ANTHONY JOHNSTONE
REV. DR. DUNCAN MACNAB
MR. KATHIR JEGANATHAN
MS. LESLIE DOLAN (SANSOM)

DR. GEORGE WILLIAM FREDRICK MCCURDY

George W. F. McCurdy, of Windsor, Ontario, died Sunday, April 8, 1990, at St. Joseph Health Center, London, Ontario at the age of 71.

Mr. McCurdy was born in Amherstburg, Ontario, son of the late George D. and Laura (Adams)-McCurdy.

He served as Executive Secretary to the Ontario Provincial Council of the United Brotherhood of Carpenters and Joiners of America from 1958 to 1967. He directed legislative, educational and research programs.

From 1967 to 1971, as Human Rights Administrator for the Canadian Federal Department of Labour, he was responsible for enforcement and administration of the Fair Employment Practices Act. He initiated the first formal Affirmative Action in Employment program in Canada with Bell Canada.

Mr. McCurdy joined the Nova Scotia Human Rights Commission as Executive Director in 1971 and served in this capacity till 1984. His mandate was to enforce and administer the Nova Scotia Human Rights Act. During his tenure, he was also responsible for the introduction of the concepts of: Affirmative Action in Employment to major employers in the private as well as public sectors: Educational Programs on Human Rights Education in the Public School System; Municipal Affirmative Action Committees involving hundreds of Nova Scotians in the voluntary promotion of human rights.

George McCurdy was selected in 1980 by the Department of External Affairs as a member of Canada's delegation to the United Nations, Geneva Switzerland for presentation of Canada's First Report of the Covenant on Civil and Political Rights and the Optional Protocol to the United Nations Commission on human rights.

In 1983, he returned to the U.N. for the "Second World Conference to Combat Racism and Racial Discrimination". Dr. McCurdy served on the committee which developed the plan of action for the "Second Decade for Action to Combat Racial Discrimination".

Dr. George McCurdy

DR. P. ANTHONY JOHNSTONE
EXECUTIVE DIRECTOR* 1985–1989

Dr. Tony Johnstone's premature death in 1989 cut short a pioneering career in the field of human rights and education. He was executive director of the Nova Scotia Human Rights Commission, a post which was for him the culmination of a lifetime interest in social justice.

The Life and Thoughts of Tony Johnstone is not a biography in the conventional sense. Biographical material comes mainly in the form of tributes and remembrances from colleagues and family, but the bulk of the book consists of a collection of Johnstone's speeches and writings.

Johnstone was first and foremost an educator. Born in Jamaica in 1931, he taught school at Dalhousie University and later the University of Ottawa. Johnstone was a brilliant scholar and linguist who spoke six languages by the time he received his doctoral degree.

As a black Jamaican, Tony Johnstone was keenly aware of the evils of prejudice and racial stereotyping. When he joined Nova Scotia's Department of Education in 1975 as co-ordinator of ethnic services, he faced the challenge of developing the school curriculum to include new concepts about multiculturalism.

Speeches and papers contained in this book were gathered over a 16-year period during which Johnstone was much in demand as a lecturer and panelist at conferences around the world. They are carefully organized by topic, and deal with subjects that concerned him professionally and personally: minority rights, multiculturalism, and teaching human rights in school, to name a few.

This collection shows that Johnstone had both a penetrating intelligence, and a clear and sometimes provocative writing style. In his essay Multiculturalism through Education, Johnstone demonstrates his practical grasp of cultural issues as he questions the education system in preparing students to deal with trading partners in the Pacific Rim and Third World.

In his view, educating people to understand and accept cultural diversity was the key to a better future, saying: "Our capacity to compete with France, Great Britain and West Germany depends on our answers to such questions".

Though some of these essays are obviously directed at specialists in the areas of education or law, the ideas are expressed in language that most interested laymen should be able to grasp.

The second, and much briefer section of the book deals with Dr. Tony Johnstone as he is remembered by those who knew him best. Tributes range from the formal language of the cabinet ministers under whom he served to the warmer and more personal glimpses of Johnstone the man as he is recalled by family members and longtime friends.

Though most biographies tend to focus on the person rather than his work, Tony Johnstone's work is both his biography and his continuing legacy. This book provides a balanced view of the man who was a vital figure in formulating human rights policies in Nova Scotian education and government.

Dr. P. Anthony Johnstone

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* *Reproduced from an article in **Halifax Chronicle**, February 22, 1991.*

REV. DR. DUNCAN MACNAB, PUBLIC EDUCATION OFFICER

Duncan MacNab was born and educated in Britain. He was commissioned briefly in the Royal Indian Navy during World War II. Following the war, he completed training as a professional engineer, and worked in that field until his emigration to Canada in 1959.

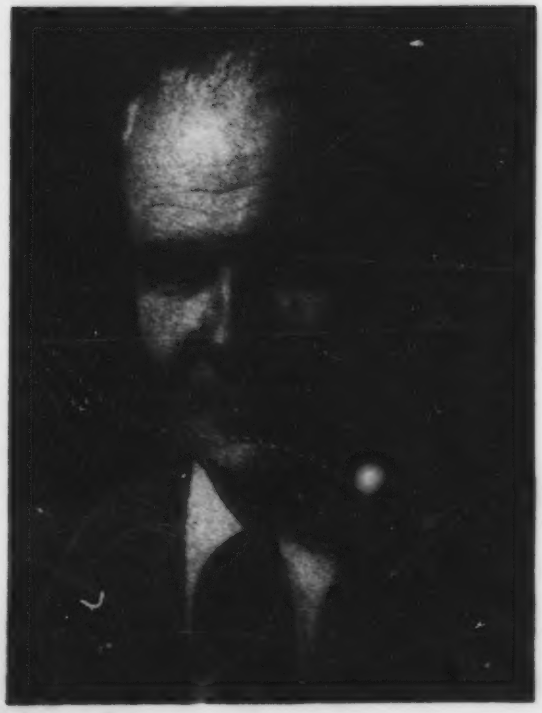
He worked with the Ontario Probation Service and as a Guidance Counsellor in the Adult Education Division of the Nova Scotia Department of Education.

He joined the Human Rights Commission as a Human Rights Officer in 1973 and was appointed Public Education Officer a year later.

He was invested a Knight of Grace Sacred Order of Saint John of Jerusalem (Priory of Canada) in 1979.

Dr. MacNab died in October, 1987.

Rev. Dr. Duncan MacNab



KATHIR JEGANATHAN, CHIEF HUMAN RIGHTS OFFICER

Mr. Kathir Jeganathan was born in Sri Lanka. He was a graduate of the University of Ceylon, and Ceylon Law College. Before emigrating to Canada in 1971, Mr. Jeganathan worked as a journalist and then as a criminal lawyer in his native country.

Mr. Jeganathan (Jega) began his employment with the Nova Scotia Human Rights Commission as a Human Rights Officer in 1972 and, shortly after, he was promoted to Chief Human Rights Officer, a position he held for his entire career.

As Chief Human Rights Officer, Jega supervised the work of Human Rights Officers in their investigation of human rights complaints, conciliated complaints and made recommendations to the Executive Director. He was a successful conciliator and gained the respect of the staff, commissioners, and many others involved in human rights issues.

Kathir Jeganathan died on February 11, 1990.

Kathir Jeganathan

LESLIE SANSOM, PUBLIC EDUCATION OFFICER

Leslie Sansom, a resident of Halifax, was appointed Public Education Officer of the Nova Scotia Human Rights Commission.

Ms. Sansom was a graduate of Tufts University, Medford, Massachusetts, and had a Master's Degree in Library Science from Pratt Institute, New York City. She also had a diploma in French civilization from the Sorbonne, Paris. She worked extensively as a research librarian in New York and San Francisco and held positions at Dalhousie and Mount St. Vincent Universities. She worked actively with women's groups in the Halifax area and served on the Board of Directors of the YWCA.

Ms. Sansom joined the Commission as librarian in 1970 and had been responsible for the foundation and development of its library. She brought to her new position in-depth experience in the Commission's public education and research programs.

Leslie Sansom died in 1983. The Leslie V. Sansom Continuing Education Scholarship was established in her memory at Mount Saint Vincent University.

Leslie Sansom

Members of the Dr. P. Anthony Johnstone Memorial Scholarship Committee and the first winner of this scholarship set up by the Province of Nova Scotia in July 1989, photographed at the Sir John A. Macdonald High School Graduation, June 25, 1992. L to R: Rev. Trevor Phillips , Chairperson; Ms. Elizabeth Anne Macdonald, Dr. Bridglal Pachai, Miss Lorraine Habib, winner; and Mrs. Thelma Johnstone.

"Human Rights is about fairness and fair is what we all want to be. Be what is fair to an Anglophone may not be fair to a Francophone; what is fair to a white male may not be to a black female; what is fair to an atheist may not be to a Seventh Day Adventist; and what is fair to any of them may not be fair to an aboriginal person or a person with a disability. Each clamors for tolerance, each represents thousands more, each evokes the rhetoric of human rights, and each grows increasingly frustrated. How then to find solidarity in the tangled web of remedial pleas?"

Judge Rosalie Abella

Noel Knockwood offering Micmac prayer at Saint Mary's School Conference December, 1988. Standing R-H corner: Francine Comeau, and Edward Russell, Human Rights Officers.

CONFERENCES & WORKSHOPS SELECTED PAPERS

[illegible]

HUMAN RIGHTS CONFERENCE SPONSORED BY MOUNT SAINT VINCENT UNIVERSITY, SAINT MARY'S UNIVERSITY AND THE HUMAN RIGHTS COMMISSION MAY 4, 1992

ELIZABETH PARR-JOHNSTON, PRESIDENT MOUNT SAINT VINCENT UNIVERSITY

I am delighted to have the opportunity to meet you and contribute to a discussion on issues which, at least in some small measure, I have had to live with throughout much of my life. Until recently, I was normally the only woman in the group. In graduate school at Yale, I was one of 3 women in a class of about 60.

In the federal government and later at INCO and Shell, I was normally the only woman at the table although I actively attempted to ensure that there were more coming along. In a very real sense, I both understand many of the issues personally and am committed to bringing about real change.

AN ECONOMIC, NOT JUST A SOCIAL ISSUE

First, let me assure you that the issue of inclusiveness and diversity is fundamentally an economic not a social issue, one that in large measure will determine Canada's future success in an increasingly competitive global economy.

Let me explain. Over the last year and a half, we have found ourselves in the middle of a deep and prolonged recession. Some would even use the dreaded "D" word. While we are seeing a cyclical downturn, many of the changes we are experiencing are global in origin and amount to economic restructuring.

The fact that much of central Canada avoided necessary adjustments until they were forced on us in this recession, does not change the reality or the necessity for major structural change.

Canada historically has been able to rely on its immensely rich natural resource base to provide us with exports, employment and foreign investment. But the world has changed around us.

Increasingly, we in Canada will have to look to people rather than raw materials as the source of our comparative advantage and international competitiveness. We have moved from the industrial or manufacturing age into the information age and a knowledge-based economy.

Whether we chose to recognize this economic and paradigm shift or not, we will find ourselves more and more disadvantaged relative to lower-cost producers of raw materials in newly industrializing countries. Instead, we will find that Canadian businesses will compete successfully in value-added goods and services where our competitive advantage relates to the use of information as embodied in our people and our processes.

In such a world, we need to draw on the best, the brightest and the most creative. This means developing both men and women to full potential rather than limiting their contribution through continuance of artificial barriers.

Future success requires that we upgrade the basic educational and skill levels of our existing workforce who, given demographics, will constitute the largest segment of our workforce over the next two decades. We know that half of all new jobs require the equivalent of a university education and this is expected to rise in the future.

In particular, we require more people who are literate in and comfortable with science and mathematics. It also requires that we utilize our existing employees more effectively and broaden the base from which we draw to include non-traditional employees. In so doing, we must allow all employees to develop to full potential by opening opportunities to those previously excluded by organizational and cultural biases.

In short, our future competitiveness demands that we have and develop the best. Our creator passed out brains and ability across all people without regard to gender, race, ethnic background or religion. Why then would we want to limit our choices to only a small portion of this population? In a period of massive change, we have the opportunity to look to new, more creative ways of managing and doing business rather than retreating to more comfortable ways and traditional ways of seeing and doing things - to draw on new people with new ideas to do things in new ways.

MANAGING DIVERSITY

I doubt that it will come as a surprise if I suggest women do not see the world in precisely the same way as men. In general, women tend to be more intuitive, less authoritarian and hierarchical, more participative and more consensus seeking. Strangely enough, these tend to be the characteristics associated with successful managers - those who emphasize teamwork and cross-functional approaches.

Similarly, people of both genders from different racial and ethnic backgrounds tend to offer new perspectives and approaches. Our awareness of this is increasing and, it is evident to me, awareness is the first step in effecting change.

CHANGING ORGANIZATIONS

I want to begin with comparing the traditional industrial organization with emerging, newer forms:

1. **The Bureaucratic Industrial Organization**

   I tend to find the roots of the traditional hierarchical organization in the military organization with the general at the top and the soldiers at the bottom in a regular and pyramidal form. In industry in the 60s and 70s, we found the Chief Executive Officer at the top and the assembly worker at the bottom. Top down meant the obvious here.

   Features we tend to associate with such an organization are:
   Control, planning
   Centralized decision making - at the top
   Authority - by virtue of organizational position, top down
   Specialization - of function and role
   Discrete units - clear divisions, compartmentalization
   Organization drives operations - formal reporting structure
   Hierarchy - reflected in all aspects (information flow, perks etc.)
   Level determines power, compensation, financial authority
   Culture - the way things are done - Right Brain

2. **Emerging Forms - Organic, Networked**
   Intuitive, Integrative, Collaborative
   Information based - creations of the information society
   New combinations, modes
   Cross-functional, multidisciplinary
   Teams, task forces, projects, groupings
   Participative - ownership at all levels

Delegative - Top down, bottom up
Flexible - Responsive, Innovative - Leverage specialists/generalists
Authority and Accountability at all levels
Reward results - new compensation systems
Reject stereotyping /categorization
Broadening vs Promotions
Credibility vs Authority
Communications / Analytical Abilities key - Left Brain

MANAGEMENT IMPERATIVES

New organizations require new management competencies. Thus we see shifts from:

Power	to	Influence, Credibility
Authority	to	Enabling, facilitating
Hierarchical	to	Networked
Specialization	to	Multidisciplinary teams, integrative
Centralization	to	Delegated authority / Accountability
Logical	to	Intuitive, integrative
Controlling	to	Communicative, supportive
Local	to	Global
Production	to	Customer driven / Service Oriented
Protect	to	Share Knowledge & Information

MANAGEMENT IMPERATIVES

What does this mean for the new organization and the way in which successful managers will have to manage? I want to look at several aspects of this issue, particularly as they relate to managing an increasingly diverse work force.

These aspects are:

Accommodating diversity
Debunking myths
Establishing new hiring criteria
Enhancing training, development, advancement
Focusing on commitment and retention
Strengthening the work environment
New management competencies
Positive steps

ACCOMMODATING DIVERSITY

Accommodation must be achieved at all levels of the organization - from the Board of Directors, to the executive, to senior management through to committees, task forces, supervisors and staff. It entails recognition and acceptance of the identity and distinctiveness of women and visible minorities. Included are understanding of:

Diverse languages

- recognition of the need of some to speak, understand and function in another language and the implications of English [or French] as a second language for employees.

New ways of thinking, perceiving

- The traditional, logical approach to perceiving and reasoning is not necessarily the way in which all people think and react. Here, possibly more than in any other area, the ability to communicate our needs and our thoughts is essential. Perhaps more important, new ways of thinking will provide enormous benefit to decisions about the organization's mission, values, standards, management development, education, training, promotion, advertising, compensation and policies and procedures.

Diverse cultures, traditions

- the ability of organizations and individuals to recognize and accept non-traditional behaviours, expectations and customs. Here we must not judge by old paradigms but rather listen, learn and understand. In what we do, we must ensure that we are inclusive rather than exclusive.

Assured Access - Both physical and organizational

- The issue here is equity, not homogeneity.
  Thus, the question we must all answer is: **Whose values must change?**

DEBUNKING THE MYTHS

We all carry with us stereotypes, baggage from our own upbringing and experiences. As successful managers, we must continually challenge these in the process of listening and learning. A few of the readily identifiable myths include:

No qualified individuals - The infamous example of the Canadian banker who told Doris Anderson that he would like a qualified woman on the board but there weren't any who stood out in his memory. If we really look, we can find qualified individuals. Moreover, we can create qualified individuals through education, training and experience.

Lack of commitment and ambition - The Bank of Montreal's study demonstrated that women are on average more committed and have ambition should the system choose to recognize it. Often potentially valuable, productive, employees find themselves "turned off" by the organization and their perceived lack of opportunities.

Priorities - I am reminded of a friend, a single mother with a demanding career who was told in an interview that she had no experience with multiple demands and stress! Nonsense! Many of us juggle priorities and stress, albeit sometimes not in the traditional contexts.

Do it alone - We can all point to the individual who "did it my way". Despite all odds and obstacles, they have overcome - but they are rare. For many, we require institutional support and development to jump the hurdles.

Travel, overtime - The myth is that women with young children or other family responsibilities are unable to travel or accommodate last minute demands on their time. This may be true, but in many cases it is not. We do ourselves no service to assume that immobility exists without asking the woman in question.

Costs too much - The organization cannot afford the necessary training and development. In fact, the reverse is normally true. In the long run, we cannot afford not to develop our best resources - people.

We tried it once and it didn't work - In areas like proactive recruiting of minorities, we will have to try many times before we "get it right".

In short then, we must continue to **challenge the criteria.**

NEW HIRING CRITERIA

Since this is step one, we must develop our competencies. Areas for attention include:

Proactive recruitment - particularly for women in non-traditional areas such as engineering. We must beat the bushes to be successful.

Beyond the old boy network - To be truly equitable, we need more formal and transparent development systems and the creation of an old girls and old people's network.

Advancement age - Perhaps more than any other stereotype, the view that one must hit certain checkpoints at certain ages in one's career must be challenged. Non-traditional people follow nontraditional career paths.

New stereotypes - We must continually challenge old norms. To the extent we can identify and develop new role models, we all benefit.

Flexible, creative compensation and conditions - the advent of flexible, menu type benefits packages signals the need to accommodate different people differently. In addition, we need to create options with respect to hours, location, job sharing, day care etc. Given that we invest a great deal on our employees, we need to seek and accommodate.

In short, **we need to hire and retain the best!**

ENHANCE TRAINING, DEVELOPMENT AND ADVANCEMENT

As the prosperity initiative and the Economic Council of Canada's study on competitiveness show, Canadian firms are not terribly successful at training and developing their employees of either gender, race or religious background. To be successful here, we need to find ways to improve:

Cultural sensitivity - eliminate hostile elements [touching, food, eye contact]

Education and training - partnership with schools and universities possible.

Job rotation and exposure - to broaden people rather than limit.

Task force, committee and short-term assignments - Provide opportunity to the able rather than the few.

Conflict resolution and assertiveness skills - especially necessary for women and minorities.

FOCUS ON RETENTION

Having invested in bringing people into the organization, we must ensure that we protect our investment.

Develop support mechanisms - Development of networks, counselling facilities are important factors in ensuring people feel welcome - part of the organization. The best networks are informal.

Establish/foster mentoring relationships - A key success factor. Someone to explain " how things are done around here". Men/women, women/women etc. A guide to the culture and unwritten rules. Both parties benefit.

Provide role models - Visible examples of the possibility of success. This involves taking risks in appointments, promotions and challenging old norms.

Focus on the "at-risk" - Those who will leave. Develop support systems, task force assignments, travel assignments etc. Many times I have been the only woman on task forces - why? Similarly, I have found myself to be the mentor for all the women in the organization and minority men!

Emphasize relationships/connectivity - Extensions, insights, support and owner ship must be fostered.

Identify and Support Champions - Real change usually requires a champion.

Promote awareness - Through workshops, discussions, challenges and far greater listening.

Identify and Eliminate barriers - Attitudes, assumptions, processes, standards, criteria, values, advertising, policies etc.

The challenge is to avoid cloning!

Delegates at the Federation of Labour/Human Rights Conference, 1980, discuss the program with the Minister in charge of administration of the Human Rights Act. L to R: Mary Eady, Canadian Labour Congress; Cherry Paris, Nova Scotia Human Rights Commission; Tom Saunders, Canadian Air Line Employees Association; Hon. Ken Streatch, Fran Soboda, C.A.L.E.A.; and Jim MacDonald, C.L.C.

CREATE A SUPPORTIVE WORK ENVIRONMENT

By focusing on steps which emphasize the positive:

Clear, simple communications - Through communications that are open, direct and timely, keep employees informed and involved.

Gender, racial, ethnic, ability neutral language - Formal and informal communications should take great care to avoid language and terminology which conveys biases and stereotypes. Terms like chair or chairperson, rather than chairman, workforce rather than manpower, office assistant rather than "my girl". Take care to address both men and women by professional titles (or all by first names), ban terms like "sweetheart", "the ladies" and refer to he/she rather than merely he. These terms create images - managers are men, clerks and secretaries are women.

Integrate, include rather than exclude - Provide opportunities for minorities to be "main streamed" rather than treated separately when possible. Employment equity will of necessity require unequal treatment to make up for past exclusion, but where sensible and possible, try to treat people in an inclusive manner rather than "ghettoize".

"Borderguards" - Provide organizational capacities for providing areas or units wherein diversity is permitted to develop and flourish without being seen as a "threat" to the broader organization. The head or sponsor of this unit will become a borderguard - running interference with the out side organization to permit his or her unit to move into uncharted waters!

Behaviourial norms - Demeaning jokes, behaviours, references and even artwork must have no place in the organization. These may be seen as "little things" but, collectively, they explain the culture of the organization and the person on the receiving end, it looks like "being buried under a ton of feathers", sado-masochistic tools on the wall, computer area and calendars, jokes and cartoons sent anonymously...

Leisure Activities - Epitomized by the all (white) male company golf game, these are the unofficial forms of socialization which the company condones or encourages. How included did I feel in Calgary where my employer paid for memberships in an all male Petroleum Club where, as a woman, I was not permitted in the main dining room (where many deals were made)? Or the dinner speaker who tells sexist and racist jokes. At the very least, company facilities should not be permitted to be used for exclusive activities and entertainment.

In what we do and how we operate, **we must respect diversity and be seen to respect diversity. Maximizing employee potential is a win-win solution!**

STRENGTHEN THE WORK ENVIRONMENT

Key elements in the work environment will have a majoreffect on the attraction, retention and development of diversity.

Day care - emergency care - For working parents, single parents.

Elder Care - Facilities and arrangements to relieve the pressure of family responsibilities affects both absenteeism and retention.

Health/ wellness facilities - Includes facilities for physical fitness, medical, as well as psychological counselling, drug or alcohol dependency, abusive behaviour, etc.

Flexible work arrangements - All manner of innovative arrangements are possible and can have a major impact on the composition and productivity of employees.

- Arrangements such as flex-time, job sharing, periodic working from home (especially doable for systems programmers and information workers) permit valuable employees in whom the organization has invested significant resources to remain as productive employees yet at the same time meet care giving responsibilities.
- The majority of caregivers are women but innovative arrangements can benefit both men and women.
- Example of Don, a male supervisor whose wife had terminal cancer. He worked from home during the period leading up to her death. The balance between family and job gave him a reason to think outside himself during a difficult period and we continued to have his significant contribution.
- Caregiving increasingly extends to care for the aging. We must adjust our paradigm as well as our arrangements.

Transportation - if the workplace is inaccessible. This can be public or private buses or even car pools.

Educational support and leave - Further professional development and education will become increasingly desirable and necessary. Distance education allows us to provide education and training in the workplace as well as at home in addition to continuing education and traditional forms.

POSITIVE STEPS

In summary then, positive actions and policies include:

Proactive, broadened recruiting - Widen the net both internally and externally. The best will not always step forward, particularly if they have been discouraged from doing so in the past.

Commitment to realizing full potential - Challenge and excite employees versus discouraging them and lowering expectations.

Partnerships with education - Work with schools and universities to provide role models, greater accessibility, educational "upgrading", greater intellectual skills and abilities for lifelong learning.

Risk-taking - In both development and promotions. Traditional employees are permitted to learn on the job - why require the perfect candidate when considering non-traditional candidates. But provide necessary support and development training.

Neutral language and metaphors - Ensure that these are neutral with respect to gender, culture, race, ability in order to eliminate implicit stereotyping and images.

- Ensure that written and oral communications are gender neutral
- IPAC's Manager magazine recently published an article which detailed the essential characteristics of today's successful manager and consistently referred to the manager as "he"
- The inescapable image is that managers are men and by inference women are support persons.
- Ban terms such as "sweetheart", "cutie", "dear", "my girl". They are pejorative and demeaning.
- Ensure that men and women are addressed in equivalent terms and given equal access and recognition at all meetings, functions and events. - If all the men are addressed as Mr. while the lone female at the meeting is addressed by her first name, inequality is underscored.
- At Shell, the men all used Dr. if they were a Ph.D. but I rapidly got the message that if I insisted on being addressed as Dr. it was seen as threatening!
- When women and minority employees make suggestions or recommendations at meetings, listen carefully and recognize the contribution. Too often we make astute observations and recommendations only to be ignored and have a man recognized later for repeating the observation.
- This means taking women and minorities seriously - treating them as equal partners in the work place. Try it - the results are astounding.

Analyze, update human resources policy & implementation - Ensure that selection procedures, promotional and developmental criteria and assumptions as to essential criteria are inclusive rather than exclusive.

Employment equity - Law now requires both pay equity and employment equity. The challenge and the opportunity is to move beyond legal requirements and begin to optimize human resources to capture competitive advantage. After all, a significant portion of our customers will be women, people of colour, aboriginal peoples etc.

Role models and champions - visible proof it can be done.

Awareness - throughout the organization!

IDENTIFY AND ELIMINATE BARRIERS

- Challenge old norms and behaviours.
- Is staffing done through the formal processes or on the golf course?
- Do we assume all women with young children are unable to travel (and do we provide childcare expenses for those whose job requires this?) In this vein, I recall one personal experiences:

- DREE. Developing cabinet document and had to work on the weekend. Had no option but to bring the two children into the office on a Saturday. Eyebrows were raised, but I didn't apologize. Xerox machine got a major workout but we got the document finished.
- Do we assume that all ethnic minorities would find travel difficult because of religious or dietary restrictions?

Demystification of processes and actions - be inclusive and be seen to be inclusive.

TO DO THIS, A FEW FINAL GUIDELINES ARE HELPFUL

1. **Take the issue seriously.** The ostrich response which denies the issue as being valid and seeks to clone existing employees and behaviours is dangerous and counterproductive. It is in short bad business!

2. **Permit informal and encourage informal networks to develop**.
   - Permits minorities, especially in non-traditional areas and in more senior positions to get to know each other and to learn more about other aspects and areas of the organization.

3. **Take Mentoring seriously** and encourage employees to assume mentoring roles.
   - This is not to suggest formal mentoring programs. These never work in my experience. Some people are naturally mentors - generally the people who would make good teachers.
   - The key is to implicitly recognize and reward mentoring rather than considering it to be a peripheral activity.
   - Recognize that people must honestly want to be mentors. It cannot be forced.

4. **Encourage minorities to be mentors as well as role models**.
   - I have spent a great deal of my career mentoring women and frankly have generally not received many "brownie points" from the organization as a result of same.
   - But as the senior woman in the organization, I saw it as my way of putting something back - of developing others and helping them avoid some of the pitfalls which I have experienced.

5. **Reward the development and promotion of qualified minority employees**.
   - That which gets rewarded, gets done.
   - Incorporate the development of qualified minority employees as one of the criteria in performance reviews which form the basis of remuneration. When supervisors and managers have to report on their activities in this area and are assessed on it, they tend to take it seriously.
   - This is NOT the same as setting quotas or designating positions which in my experience tend to have a negative connotation for both the employee and the organization.

6. **Ensure that women and minorities have equal access to training and developmental opportunities**.
   - Training is the first thing to be deleted from budgets when times get tough and training for women is often the biggest loser.
   - Permit training for developmental purposes rather than simply for improved performance on the existing job.
   - Incorporate developmental training for female employees as a performance criteria for performance appraisals of all managers.
   - Ensure qualified women are included in high profile task forces and project teams. Interdisciplinary task forces and project teams are the way of the future and are often charged with developing recommendations that lead to major institutional change. Ensure you have the best and the brightest on such assignments.
7. **Take harassment including sexual harassment seriously** and don't sweep it under the rug.
   - Most organizations have policies for sexual harassment but tend to look the other way when it occurs.
   - I have lectured to numerous women in management sessions and seminars. Without fail, one or more of the participants is currently undergoing a situation of sexual harassment and feels helpless to do anything about it. Maybe she is a single mother who needs the job and the daycare facilities that come with it.
   - Other forms of harassment are equally debilitating
   - Ensure that the organization doesn't punish the victim rather than the perpetrator while at the same time insuring that frivolous or malicious complaints are not accommodated. It's a narrow line to tread as the Clarence Thomas hearings clearly demonstrated. Too often, the accuser is considered a troublemaker and therefore actively discouraged from lodging a complaint.
   - Example of woman engineer in the refinery who was harassed by her supervisor over a period of several years. She obviously was unable to deal with the situation which eventually affected her personal life as well as her professional performance. The organization lost every bit as much as the people involved by allowing the situation to continue. By the time the complaint was made formally, things had gone so far that both individuals bore the scars personally and in terms of their careers.

8. **Develop an organizational culture which actively encourages and expects women and minorities to try and succeed particularly in nontraditional areas**.
   - Make risk taking and challenging traditional roles virtues.
   - Allow women (and other visible minorities) to assume new challenges in several parts of the organization rather than just one at a time. There is comfort in numbers.
   - Takes risks on people. We do this as a normal course for traditional (male) employees. This is not to say that we set non-traditional employees to fail. But we must be prepared to take the same kinds of risks we take for traditional men and provide the same kind of support mechanisms.

9. **Encourage employees to take responsibility for their own careers.**
    - The system will not do it for you. Look longer term and ensure that the system is aware of your needs and aspirations. Frankly this is marketing and it is more imperative the higher up the organization you move.

10. **Perhaps the most important rule of all - keep your sense of humour.**
    - For affected employees, this means having a sense of perspective and timing. Had I fought all the battles I have encountered, I could be very grey and very bitter. I am here to win the war, not the specific battle and we will win it for all Canadians, both male and female and of all colours, races, religions and abilities.
    - Many times, I wanted to say that a decision was in my view suboptimal or that a joke was inappropriate. As I get older and more senior, I do so more frequently. I think it is necessary to challenge inappropriate behaviour, but my rule is not initially to embarrass people publicly.
    - I find it far more effective to wait until after a meeting is over and then speak to the person involved. 90% of the time, the individual simply did not think and meant no ill. That particular behaviour ceases henceforth.
    - The last 10% is the difficult part. If after appropriate discussion, the behaviour continues, I find it necessary to challenge the remarks in the presence of others, in as positive, constructive, and humorous a manner as possible. But I am firm and I am clear.
    - Let me repeat a story which Flora MacDonald told me and it says it all. Flora was the first woman to attend the National Defense College in Kingston. Knowing she was the first and also knowing that she would be required to visit remote areas and installations in trucks or worse, Flora wisely went out and bought 3 attractive pant suits which required all the money she had allotted for clothing at that time. Flora also wisely decided that being in Kingston and being the first, it might be a good idea to have a look at the facilities and arrangements prior to attending the course. She met the commanding officer and was shown the facilities. Meals were to be served in the officer's mess and the commanding officer sensed an issue. He explained that the rules (obviously written for wives of officers) required that a woman wear a shirt when dining in the Mess. Flora responded that was fine with her but since she had used all her available clothing funds to purchase the pant suits, she would have to wear the top only!

The commanding officer decided to take the matter under advisement. In the end, the rules remained, but an order was issued; "for purposes of the Officer's Mess, Flora MacDonald is not to be considered a lady"!

This probably is a good note on which to end my remarks.

To most of us, these issues are not new. The challenge is to continue to work together to change the system - to challenge inequities and exclusions where they exist and to build a system which recognizes and develops the potential of all individuals having proper regard and respect for age, gender, physical and mental abilities and ethnic backgrounds.

I invite you to join many of us who are committed to making this a reality.

[illegible] AND DISCRIMINATION: [illegible]

PANEL PRESENTATION AT THE NOVA SCOTIA HUMAN RIGHTS COMMISSION CONFERENCE DECEMBER 7-8, 1989, WORLD TRADE AND CONVENTION CENTRE, HALIFAX

MIRIAM YU
DEPARTMENT OF EDUCATIONAL PSYCHOLOGY, MEMORIAL UNIVERSITY OF NEWFOUNDLAND

When speaking of visible minority and immigrant women, three significant attributes emerge. They are: femininity, ethnicity, and colour.

Femininity, when referring to biological terms, means the ability to menstruate, to conceive, and to breast feed. When employed in a traditional social sense, it denotes the personality characteristics of compliancy, passivity, submissiveness, subservience and dependency. When the two meanings are combined, femininity merely means that women are mammalian in nature and are personally weak and immature. This is particularly so from the "male-stream" perspective.

Ethnicity may also involve two meanings. Speaking of culture, ethnicity means the sum total of the attributes and practices of an ethnocultural group. It includes language, religion, tradition, custom, value, attitude, food patterns, living habits, and country of origin. In the sociological sense, it usually means minority status, subordination, and powerlessness. The more one is culturally different the more is one being placed in a minority status because one is viewed from the "mainstream" perspective.

As either a woman or an immigrant woman, one has already had to face problems of discrimination because of femininity or ethnicity. As an immigrant woman, one has to face a double disadvantage and has to try extremely hard in order to fit into the "male-stream" and "main-stream" society. A triple disadvantage is faced if one is an immigrant woman of colour, that is, visibly different.

It is not a sin or something wrong to be born female, ethnic, and coloured. It is the existing system that discriminates. The system puts people into different categories, and suggests that certain people are good at specific kinds of work. Because of femininity, women are considered to be more suitable for work in caring and home extension jobs such as primary school teacher, nurse, and secretary. Because of ethnicity, immigrant women are considered to be better domestic workers or garment factory workers because of their socialization in their home country and their language deficiency in English. There are numerous reasons to justify discrimination or to deny the system of injustice. Visible minority and immigrant women are considered to be less smart or competent "because they don't look like us", "because they don't speak our language", "because they speak English with an accent", "because they are not articulate". Have we tried to find out how fluent, eloquent, and persuasive they are in their mother tongue?

Visible minority and immigrant women are rarely properly employed. The majority of them are under-employed or mis-employed. It is because their previous qualifications and work experience in their home country are not recognized. As a consequence, they tend to work in positions lower than they deserve. Some even work in jobs that do not require their previous training. What a waste of human resources and a humiliating experience it is for the visible minority and immigrant woman when she believes that she has come to a country of opportunity. Some have even said to them, "You are lucky to have a job". Without language skills and Canadian experience, immigrant women are frequently forced to take low paying and dead-end jobs that will never help them to gain equal access to their original profession. Even if a visible minority woman is well qualified and highly competent at her job, she is most likely not being placed in an administrative position to deal directly with the general public. It is assumed that such a practice would be unacceptable to the majority and thus harm public relations. Is it really true, or is it that the egotism of the male and the ethnocentrism of the main-stream prevent such a practice?

What can we say about the average ordinary visible minority woman who comes to Canada under the application of her husband? In most cultures women are expected to be nurturant and submissive. Motherhood is honoured. Once married, and particularly when the children are young, a wife is typically expected to stay at home, to raise children, and to be subservient to the husband. Being emotionally abused or even physically abused is not uncommon among visible minority immigrant women. Confronting the difficulties of adjustment to living in a new social and cultural environment while yet devoting themselves entirely to family needs such as child-rearing, domestic chores and maintaining a subservient role to the husband as the undisputed head of the household, the immigrant women as individuals are likely to find that their own personal needs, hopes, and ambitions are neglected, and that they confront dismay, isolation, frustration, and confusion. They need support and services such as English language classes, day care, and information on banking, health care, transportation system, etc. They also need training or re-training courses for later entry or reentry into the labour force. Above all, they need to develop cognitive-behavioral strategies to cope with the environment and empowerment techniques to demonstrate their capability.

As mentioned earlier, femininity, ethnicity, and colour are natural endowments but discrimination based on such attributes occurs deliberately when stereotypes or prejudices exist. Prejudice is a state of mind while discrimination is a conduct manifested outwardly. Human rights education can change prejudice while human rights legislation can lessen discrimination.

In recent years, visible minority and immigrant women have organized themselves in their community and nationally, developing cross-cultural links and cooperation. Nevertheless, progress is tardy. They welcome feminism and would like to join the women's movement, but the lack of language skills and the knowledge of attending formal meetings inhibit their participation. In addition, feminism seems threatening to the traditional values of many cultures. Visible minority and immigrant women need good leaders to link them with the feminist group, informing each other of concerns and difficulties and building a network between the two groups. It is only through solidarity that visible minority and immigrant women will achieve equality and be free from discrimination.

Canada is a great country. It has implemented a non-discriminatory but selective immigration policy since 1967. The 1982 Canadian Charter of Rights and Freedoms and the 1988 Canadian Multiculturalism Act promise equality, justice, and civil rights for all. Canada also honours the United Nations International Day for the Elimination of Racial Discrimination on March 21 and the United Nations Human Rights Day on December 10. It is to be hoped that discrimination of visible minority and immigrant women will be eliminated in a humanitarian society such as Canada.

Women's Conference, Mount Saint Vincent University, 1974.

HUMAN RIGHTS
TODAY PANEL
THE NOVA SCOTIA
HUMAN RIGHTS
COMMISSION CONFERENCE
DECEMBER 7 - 8, 1989

HEATHER MACLEOD
NOVA SCOTIA
REPRESENTATIVE -
MEDIAWATCH

As a society we believe in and uphold the United Nations Universal Declaration of Human Rights which recognizes the inherent dignity of each person. This declaration is a statement of the right to equality of all people regardless of race, color, creed or sex. In the history of the human race the creation of this doctrine was a giant leap forward.

Yet when we look at our society we know that in reality these principles are not always upheld. We know that the equal treatment of all people frequently does not happen.

There are obvious reasons. We are affected by our environment, absorbing attitudes, opinions and information around us that in turn shape our perceptions and beliefs. We act accordingly.

Our principal sources of information outside of family, friends, and work are the mass media - TV, radio, movies, newspapers. Through them we see the world. There is no question that the media is one of the major forces shaping and coloring our view of the world. It is a pervasive force. We are all affected by it.

Radical is the only word to describe the influence the media has had in its short history. Playing a very important role in democracies, it has provided a necessary forum for the exchange of information but it walks the line between being both a positive force and a negative one.

And that's important to look at. How does the media affect us and what does it have to do with human rights and the equal treatment of people? There are many ways to approach this issue. What I am going to do is focus on 52% of the population - women - how they are portrayed in the media and what that says about their status in society as a whole.

Women's issues are human rights issues. As individuals we must always question why women continue to be devalued in the world. Obviously sexism has deep historical roots. One of those is language. An often cited example of language bias is the usage of the term mankind as a definition of humanity. One may think that it is a small point. However, it is an excellent example of how sexist language tends to make more than half of the population invisible. When we use the words man and mankind to represent both men and women we are making no distinction between the word for men and the word popularly used for all humans.

It's been proven that when girls hear the word mankind they think of boys. They do not think it includes them. What does that tell them? That they are not important. And how does that affect them? Studies have been done that demonstrate that when people are asked to draw a picture illustrating 'man' in some situation, most people are inclined to draw, indeed, a picture of a man, a male person. When asked to draw a picture of someone or a person doing something, images of females appear much more frequently.

When we read books about the development of the human species we always read about the development of man, primitive man, man the firemaker, man the role maker...male images come to mind and women are left out of history. The language excludes them even though they were the potters, the food gatherers and the healers of these early societies.

There are many examples of sexist language that perpetuate sexist attitudes towards women and it's not surprising that we see them reflected in the media. Despite the fact that there are industry guidelines on sexist language, we continue to hear language that excludes women. Whether we realize it or not it has a subtle effect on our thinking. Language is one of the most fundamental ways in which human beings communicate - the other is images.

Like language, images both create and perpetuate reality. They provide categories into which we fit the information that comes along to us.

More than any other single effect, television places images in our heads. As TV critic Gerry Mander put it..."It is a melancholy fact that most of us give little importance to this implantation, perhaps because we have lost our own image creating abilities, how we use them and the critical functions they serve in our lives." Mander believes that human beings have not been equipped by evolution to distinguish in our minds between natural images and those which are artificially created or implanted. The fact is...images...any images...directly affect human beings and human beings slowly turn into whatever images we carry in our minds.

It's important to take a look at the images of the mass media. Last night I watched in horror as the CBC's Journal reported on the brutal slaying of 14 women in a Montreal university. A gunman barged into the school, separated the men from the women and then, shouting anti-feminist remarks, brutally shot all of those women. This happened last night in Montreal. I felt sick with shock and horror. Here it was...a tragic example of the hatred against women in our society. And in this Journal report here we had Barbara Frum, obviously very disturbed by this story, questioning a witness for information. Then in the next breath she said..."And next we have Paul McCrath with a special report on the Rolling Stones". Stricken with horror by the Montreal massacre, I couldn't believe the obscenity in putting these stores back to back. Obviously the Journal had planned to air the Rolling Stones story that night. Maybe they didn't have anything to replace it with. At any rate the Journal could have made some attempt to deal with this situation, given the sensitivity of this situation. Instead, here we had this tragic story of 14 women shot dead because they were women...back to back with a feature report on the Rolling Stones...the kings of sex and drugs and rock and roll. This is the mass media at its most callous.

In two years time we will probably see a Sunday Night CBC Canadian-made movie on this horrifying story. Last Sunday night we saw the Thatcher movie "Love and Hate" revolving about the true story of a Saskatchewan politician's brutal slaying of his wife. Very soon, you can be sure, a clever producer will be approaching broadcasters with a script on the Montreal Slaying. And so the circle of violence continues. And so the circle of terrible portrayals of women continues - in this case, women as victims of a madman.

This is the mass media. These are the images in all of our minds. How can this not have an effect on us?

We often think that media in a free society is a forceful advocate of human rights in the world, but when we look at the effects of the media we can see how it compromises many of the goals set forth in the United Nations Declaration of human rights - particularly in relation to women.

Media portrayal of women is an important factor in how women are treated in society. When you start looking at the media it's amazing what you'll see. Three years ago the CRTC and Erin Research released their findings of an extensive study on the portrayal of women on Canadian radio and television. The results were very interesting.

- TV experts are 90% male.
- Voice overs are 86% male.

- Eye Witnesses in news stories are 84% male.
- in cartoon programming only 16% of the characters were male.
- in news rooms 70% of the reports and anchors were male.
- women had many fewer roles in dramatic stories, and were often presented negatively.
- visible minorities were almost absent.

The list goes on and on. Basically these reports verified the fact that women were quite invisible in the media and when they were present there was often a problem with their portrayal. Marketing expert Alice Courtney outlines the stereotypes of the 70's as being -

1. Women's place is in the home.
2. Women do not make important decisions or do important things.
3. Women are dependent and need men's protection.
4. Men regard women primarily as sex objects.

These stereotypes still apply today. Stereotypes are employed by the media because they provide us with an easy shorthand way of looking at the world, a means of instant identification. The problem is stereotypes are invariably oversimplified and convey, at best, half truths about the nature of gender roles.

There are misleading male stereotypes...the macho man, the wimp, the successful man etcetera. But because men have the power in society they have less to lose from stereotyping. Women, on the other hand, are stereotyped in a much more offensive way, and have a lot more to lose by it.

In the media the tendency has been that women were either invisible or overexposed in a negative way.

What do these images teach us? I'd suggest you take a look at a documentary by Jean Kilbourne called "Still Killing Us Softly". It's available at the NFB and it graphically illustrates the underlying messages of these images of women in the mass media.

Many of the images come from advertisements which may seem harmless enough but they have a cumulative impact. They teach us how to relate to women's bodies and the message often is..."you're ugly, inadequate, do something about it...buy this product". Many of these ads teach us a real contempt for women's bodies...and therefore by definition...women. Every part of the body needs to be altered...slimmed, embellished, improved. This is deliberate because part of advertising success has been its ability to prey on people's feelings of inadequacy.

We see women as the adored object but only if she is young, white, beautiful and, above all, thin.

This has a tremendous effect on how women perceive themselves. In recent American studies it was found that 80% of women think they are overweight even though most were of normal body weight. Today eating disorders have reached epidemic proportions in college dormitories where 1 in 5 college women suffers from bulimia or anorexia. These women are starving themselves to death because they are striving for an ideal body type which for many is unattainable.

We internalize the message about women which we receive from the media. The result...women continue to have an inferior status in our society.

The average female college graduate will have the same earning potential as the male high school drop out. The significant wage gap between women and men in the work force remains a major obstacle to women's full equality. Women with full time paid jobs earn 65% of the average earning for their male counterparts. And there is no doubt that women's low wages contribute to the increasing feminization of poverty.

Everywhere on this planet the plight of women is a human rights issue and the media has a part to play in that. For the past fifteen years there has been great public concern about the portrayal of women in Canadian programming and advertising. Responding to public pressure and the findings of research reports, the CRTC, the Canadian Association of Broadcasters and the Canadian Advertising Foundation put guidelines in place for the industry to abide by.

There have to be some improvements. We don't see as many women in TV ads cleaning toilet bowls or cleaning ovens. Women are shown in a greater variety of roles in the workplace although sometimes they are sexualized in these roles. Nevertheless there are more positive advertisements and programs appearing. In a recent Johnny Walker ad two women, one white, one black, were engaged in spirited conversation. "He's crazy about my kid. And he drinks Johnny Walker', said the caption over the advertisement. Not only did we have two women, one white and one black together talking but we also had mention of the phenomena of single parenthood...and the phenomena of the caring male. Some advertisers are reaching out to minority groups. The Bay distributed back to school flyers last fall showing children in wheelchairs modelling fashions alongside children without disabilities. Responding to the aging baby boomer population advertisers are starting to depict older people in some ads. But the problem is, just as it starts getting better in certain areas, it starts getting worse in others.

Advertisers are using more sex to sell their wares despite public criticism. Some of these commercials present some of the most arresting images on television. In last summer's series of provocative commercials for Beeman's gum, we heard the lyrics to the song "I'm a Man" as the camera panned over the scantily clad bodies of women in skimpy dresses, tight jeans and bikinis. Last summer's 7UP ads featured the camera lingering over the lithe buttocks of the young female coach of a children's baseball team while a voice in the background sings "Are You Up For It". And now beer companies are unveiling a whole new line of commercials with explicit sexual messages that attempt to blur the distinction between women's bodies and the product being sold, ultimately intending to catch the consumer's attention by selling sex. It started with Labatt's and their wet T shirt contest beer ads. Molson's came on stream with similar ads and now beer companies here in Halifax, like Alpine, have come out with some of the most blatant examples of this type of advertising. Although advertising guidelines state that exploitation of sexuality should be avoided in selling products, agency executives believe they have to use graphic sexually charged ads to capture the attention of the young male viewer. There is no evidence to support this belief.

You may see these commercials and say...so what? You may think they are sexy and what's wrong with that? The point is there is a fine line between sexy and sexism and sexist portrayals of women in the media impede efforts to improve women's status in society.

How can women be taken seriously in society when we have seen so many portrayals and images of women as sex objects? This phenomena does not exist in isolation on the TV screen or billboards or magazine ads. It has consequences in society. It affects the way we think about women and girls. If women are portrayed as sex objects then it's easy to see why sexual harassment exists and why there has been a tremendous increase in violent sexual crimes against women. It creates a climate where, in the case of a recent British Columbia court ruling, a 33 year old man charged with a sexual incident with a three year old girl was given a suspended sentence because the judge found the victim, the three year old girl, sexually aggressive.

How could anyone find a naive three year old girl sexually aggressive? We internalize the images of our culture and what surfaces are distorted views. It shouldn't be surprising that the countless number of television movies, where women are the seductress, the prostitute or the rape victim, have an effect on our psyche. In prime time we frequently witness gruesome sexual crimes where the lover, husband or stranger kills a woman. First comes the stereotypes, then the degrading images of women, then women as sex object, then pornography, then sexual violence, then annihilation through murder. In this spectrum, all these things are related. In this spectrum, a mental environment is created where a British Columbia judge could call a three year old girl - sexually aggressive".

The portrayal of women in the media has a direct effect on how women are treated in society. The media are not the sole cause of sexism in our society, but even if they are only presenting a reflection of what already exists, they are reinforcing gender stereotypes.

What we cannot overlook is the cumulative impact of these messages. The total amount of time we spend in front of the TV is staggering - on average four hours a day. Children now watch more television than the time they spend in school. They see 30,000 commercials on TV every year. The typical 65 year olds will have watched TV for over 3000 entire days - roughly nine full years of their lives. Of that, one entire year will have been spent watching TV commercials only.

Clearly television plays a major part in modern life. People in the Annapolis Valley, in San Paula, Brazil, and in communities in Africa, all see the familiar red and white logo with its message: "Coke Adds Life".

We may realize what this is doing to us but the question is what is this doing to the rest of the world? We often take advertising and the promotion of a consumer culture for granted, but in developing countries the phenomena is relatively recent. Despite the fact that our westernised consumer culture is destroying the planet, the trend is towards exporting our culture worldwide and making our products available. This expansion of international marketing can profoundly affect local cultures and things do not always go better with coke. As Noreen Janus has written: "The common theme of transnational culture is consumption. Advertising expresses this ideology of consumption by relying on a few repetitive themes: happiness, youth, success, status, luxury, fashion, beauty and sexuality. Campaigns suggest that the solution to human problems are to be found in individual consumption. "Consumer democracy" is held out to the poor around the world as a substitute for political democracy. Thus farmers facing intensification of violence in rural Guatemala may gather around the only TV set to view Dallas or an ad for Revlon perfume showing a blonde woman strolling down Fifth Avenue in New York. What is happening is the globalization of the western consumer culture and with that comes distorted portrayals of women, which will impact on these cultures in a dramatic way. Grey Advertising International undertook a world wide study of television to determine its usefulness as an advertising medium. The result concluded that advertising is having an amazing influence on life in the third world countries and it's happening very fast.

What it found was that transnational firms, such as Colgate and Nestles, have helped replace traditional products - often cheaper and more effective - with industrialized toothpaste and infant formula. "By consuming Coca Cola, Nestle's products, Marlboro, Colgate or Revlon" the report stated, these people were not only fulfilling unnecessary needs but also progressively relinquishing their outlook in favour of the transnational way of life. Advertising for skin lightening products persuade African women to be ashamed of their color and try to be white. What these people end up doing is relinquishing their racial identity - one of the most powerful weapons available for safeguarding their human identity. The report also mentioned that advertising in third world countries was helping to change attitudes towards aging, making women fear looking older and undermining the traditional respect for elders. The consumption of soft drinks and hard liquor points to other social changes. Traditionally, drinks were consumed only in social settings evidenced by the large pot where they were stored. Yet the advertising of Coke and Heineken portrays drinking as an individual act rather than as a collective act.

Clearly the media has a tremendous impact on our minds. What happens in third world countries with transnational advertising on television is a prime example. Many of the consequences are negative, but they are not apparent until it is too late.

In Canada, a landmark study was done on the impact of television. It was initiated because researchers bemoaned the fact that in the developed world there were no typical non-TV towns remaining that would enable them to make before and after TV comparisons. However, in 1973, in British Columbia, a small town of 750 people was found and the town was just hooking up to television. It wasn't an isolated town, but it was located in a blind spot in a valley so that transmissions were unable to reach it. For confidential reasons, the town was named "Notel" and was studied in relation to two nearby towns of the same size that had had television for quite some time. In 1975, the research team returned to retest the three communities. By this time, regular viewing patterns had been established in Notel. The results were surprisingly negative. Even in areas where Dr. MacBeth and her colleagues had expected television to show a beneficial effect, such as improved vocabulary, no evidence supported this. Before TV, Notel children had higher creativity scores and were less aggressive than the children in the other two towns. After two years of exposure to television, their scores were similar to those who had grown up with TV. There was also an increase in aggressive behavior in children - both the girls and boys. The before and after TV comparison showed that TV probably slows down the acquisition of reading skills although once reading is firmly established TV doesn't seem to harm it. As well, sex role stereotyping became much more marked in Notel after 2 years of television viewing.

And talking about stereotyping attitudes, I was amazed to see how it reflected so clearly in the CBC coverage of the NDP leadership convention. Peter Mansbridge and David Halton repeatingly referred to Audrey McLaughlin's ability to maintain her composure under pressure, a natural enough statement to hear during a political convention but they made reference to this every couple of minutes. We heard how composed she was, despite all the pressure, she was maintaining composure, how remarkable she was handling the stress of the disappointing first and second ballots. Dave Barrett was not talked about in these terms, nor were any of the other male candidates. The reporting bias inherent in these endlessly repetitious comments were that after all, she's a woman, she's emotional, will she be able to maintain her cool?

Then there was the question of her speech. I've heard John Turner sputter out uninspiring speeches, I've heard Mulroney echo monotone hollow statements and Ed Broadbent say the predictable, but I have never heard a speech so assailed as Audrey MacLaughlin's. Dave Barrett's speech was called a barn burner by media accounts but I was quite distracted by his exaggerated Bible thumping body movements.

On the other hand, I found Audrey MacLaughlin's speech very good. Could that be my female bias? The media despised it. Could that be their bias against women? What I found interesting was that after having it hammered into my head by journalists that she was a lousy speaker, I noticed my impression of her changing. As I watched her make statements and speeches, I felt myself losing confidence in her, but I quickly caught my thought patterns, realizing that they were the direct result of the influence of these broadcaster's statements.

Of course, gender was a big issue in the coverage of this convention and bias is a natural part of that. Witness the statement that David Halton made at the end of the telecast. He stated that although McLaughlin has the support of many women in the party, a significant number of women delegates voted for other candidates. So, in Halton's words, 'We didn't see a mindless group voting McLaughlin in'. Can you imagine men being referred to as a mindless group in political coverage? My husband and I gasped when we heard him make that statement. We couldn't believe that these words were coming from one of CBC's top journalists. In the past week, numerous women, including my mother, have mentioned to me how insulted they were by that comment. In the seamless mesh of television there are occasional cracks where bias is obvious. David Halton's comments was one of those cracks. It's not surprising that the bias of society is reflected in the news reporting on the media. The bragged message gets passed on. But we expect more of our broadcasters and we should demand more of the male broadcasters.

The problem is women's concerns are muted on the airwaves. Womedia, a pilot project measuring the presence of feminist content in the Canadian information media, found that feminism could be detected approximately 2.5 percent of the time on TV in the Toronto market. This tiny figure included anti-feminist voices. The study concluded that the feminist voice was likely to be heard only when governments made an announcement for women - such as the introduction of programs to combat wife battering. Government involvement lent a patina of legitimacy to a cause that many in the media world would otherwise consider not newsworthy.

Much more serious is the doctrine of objectivity which continues to treat equality as a matter of controversy when it is in fact the law of the land. Some news departments trivialize the issues into a glorified cat fight, pitting the group called 'Real Women' with its minuscule membership against the coalition of feminist groups united in the National Action Committee on the Status of Women. As Liss Jeffrey pointed out in Scan: "It's the equivalent of allowing Taiwan equal status with the People's Republic of China". Perhaps a better example would be the insistence by the news departments that the flat earthers must be represented whenever a news item on the galaxy is run.

I am here today as the provincial representative of Mediawatch, a national women's organization, concerned with the portrayal of women and girls in the media. We are committed to public education on the issue of sexism in the media. Mediawatch provides educational workshops and communications research. We facilitate public advocacy and promote change in media industries. We believe that people have an important role to play on this issue and that by effectively chanelling our concerns to the media, we can have an enormous impact. Offensive advertising campaigns and programs have been pulled because of public outcry. Our voices do count and we can be an effective vehicle for change.

For those of you who are interested, I can provide you with a Mediawatch pamphlet which outlines what you can do to channel your concerns about the portrayal of women in the media.

Students of Robert Borden Junior High School visit NSHRC Library, February, 1980, to prepare for a school conference.

HUMAN RIGHTS TODAY CONFERENCE
FRIDAY, DECEMBER 8, 1989
WORLD TRADE & CONVENTION CENTRE, HALIFAX

JEAN DOBSON
A/EXECUTIVE DIRECTOR
NOVA SCOTIA PAY EQUITY COMMISSION

I am very pleased to have this opportunity to address this important conference on human rights in Nova Scotia. Your discussions during the past few days have focused on a very broad range of human rights issues, but my words to you today will address a very specific form of discrimination against women — gender-based pay discrimination.

For approximately thirty years, it has been law in Nova Scotia that employers must pay the same wages to employees (both men and women) who are doing substantially the same jobs. This is known as equal pay for equal work. Despite this law, women in Nova Scotia continue to earn approximately sixty-two cents for every dollar earned by men. This difference is known as the wage gap. Equal pay for equal work laws have not closed the wage gap between the earnings of men and women to any significant degree. This is because most women, approximately ninety percent, don't do the same jobs as men. Women have traditionally worked, and continue to work, in a narrow range of occupations - such as clerical, sales, and service jobs - that, it is argued, have been under-valued and under-paid, simply because they are "women's work".

Pay equity, or equal pay for work of equal value as it is often referred to, is a concept which enables a comparison to be made between two different jobs. This comparison permits us to determine the value of that work to an employer. To better understand pay equity, consider a typical situation for a moment. In the cafeteria of an institution, the majority of workers are women. Outside, the majority of grounds-keepers are men. The grounds-keepers - men - have traditionally been pay more than the cafeteria workers - women. But does this mean the work of grounds-keepers is more important than the work of cafeteria workers? Has the value of their work even been considered? Pay equity is a system that bases wages on the value of the work performed, regardless of whether a man or a woman is doing the job.

At the outset, it is very important to keep in mind that the concept of pay equity and any legislation aimed at ensuring pay equity cannot hope to completely eliminate the wage gap between the earnings of men and women. It is designed to redress only that portion of the wage gap that can be attributed to gender-based pay discrimination.

Pay equity is an issue that does not escape controversy. Opponents of pay equity claim that there is no discrimination involved in how women are paid; that the economy cannot afford to pay women more; and that pay equity legislation interferes with the workings of the free market wage system. However, the Government of Nova Scotia recognizes that gender-based pay discrimination exists and that pay equity legislation is one step towards eliminating this discrimination.

Nova Scotians have much to benefit by recognizing the true value of women's work. Of course, the major beneficiaries of pay equity are the women who will receive higher wages, but it is important to remember that pay equity is essentially a fairness issue. It is not asking that people be paid more than their worth.

In 1988, Nova Scotia passed the *Pay Equity Act*. This legislation sets out a process and schedule for achieving pay equity in Nova Scotia. The first stage of the pay equity process can be referred to as ASSESSMENT. Within six months of the process beginning, employer and employee representatives must meet and select a single job evaluation system - one that does not discriminate on the basis of sex - for the evaluation of all female and male dominated job classes within an establishment.

The second stage of the pay equity process can be referred to as EVALUATION and NEGOTIATION. Within twenty-one (21) months of the pay equity process beginning, the employer and employee representatives are required to identify all of the female dominated and male dominated classes of employees within an organization. A dominated class is defined in the *Pay Equity Act* as ten or more employees in the same job classification of whom sixty (60) percent are of the same sex. When these classes have been identified, they must be examined to determine the value of the work performed by each class. This is done by applying the already selected job evaluation system. If, as a result of this process, a job performed by women is found to be of equal value to a job performed by men, and if the pay is lower in the "women's job", then the *Pay Equity Act* requires that the salary of the women's job be increased. The salary of the men's job cannot be lowered.

The third and final stage of the pay equity process is known as IMPLEMENTATION. At this time, employer and employee representatives must agree on the implementation of the necessary pay increases over a period not exceeding four years.

Presently, the legislation covers the provincial civil service, crown corporations, hospitals, and school boards. The process for the civil service began on September 1, 1988. For crown corporations, hospitals and school boards, the process began on September 1, 1990.

On October 23, 1989, Labour Minister Ron Russell announced that he will introduce legislation during the next session of the Legislature to amend the *Pay Equity Act* to include eleven Nova Scotia universities. In the same statement, Mr. Russell said that he will include additional public sector employers such as municipalities and their agencies, homes for special care, and other similar operations in a fourth phase of pay equity to come into effect later in 1990. In previous statements, the Government has made a commitment to introduce legislation for the private sector no later than the 1992 Session of the Legislature.

For those involved directly with the implementation of pay equity, the process may seem to be a very complicated and arduous one. But I want to assure you that the plan is a workable one - it has been done in other provinces in Canada and in many other countries throughout the world. Although the implementation of pay equity will be monitored by the Pay Equity Commission, it is expected that the mechanics of pay equity will be handled cooperatively by employers and employees within each organization covered by the legislation. It is only through the cooperation of labour and management that pay equity can become a reality throughout the Province.

Experience from other jurisdictions and from progress thus far within our own civil service, has shown us that cooperation among employer and employee representatives and the establishment of a dedicated pay equity committee is, indeed, the most important foundation of the pay equity process. Once such a Committee has been established, the steps to achieving pay equity fall in place.

The Pay Equity Commission has been established to facilitate and monitor pay equity. Members of the Commission are appointed by Government and include representatives of labour and management. The Commission employs a full-time staff, headed by an Executive Director. The duties of the Commission, as set out in the *Pay Equity Act*, are as follows:

(a) to determine the manner in which an employee representative is to be selected where required to be selected pursuant to the Act;

(b) to monitor the implementation of pay equity;

(c) to determine those matters upon which an employer and its employee representatives fail to agree;

(d) to provide information representing pay equity to concerned persons;
(e) to provide advice in implementing pay equity;
(f) to prepare and maintain statistics respecting pay equity; and
g) to prepare and disseminate educational material respecting pay equity.

The Pay Equity Commission is a resource which is intended to provide whatever assistance is necessary to ensure compliance with the legislation. As the Acting Executive Director of the Commission, I am pleased to report that the pay equity process in Nova Scotia is underway and that the cooperation between the Commission and the parties involved has been very good.

A group of interested minority representatives are shown with John J. Carson, Chairman, Public Service Commission of Canada, during his visit to Halifax, in May 1975. L to R: Brad Barton, President, Black Educators' Association; Anita Dubinsky, Human Rights Commissioner; Joan Browne, John Carson, Joan Jones, Black United Front; Rev. J.C. Mack, minister, Cornwallis Street Baptist Church.

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AN INCURSION INTO BASIC EDUCATION AND POLITICAL ANALYSIS FOR NOVA SCOTIA

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SOME INITIAL DEFINITIONS

These definitions of human rights of the last decade of the century attempt realism, and are consequently more conservative than would be accomplished under ideal situations. How far are human rights to be pursued in education, and where are the priorities for Canadian schools? The latter question requires that human rights be identified as one of the four Rs of basic education: rights, reading, 'riting and 'rithmetic.

DEFINITIONS THAT AFFECT HUMAN RIGHTS EDUCATION

Rights are claims that have the backing of law and adequate resources. They are realistic and enforceable. "Every child has the right to be brought up in a loving household" becomes more than a wish when there is a legal means of removing children from abusive situations. Consequently, rights exist only whenever some person or group can benefit from a claim, without it being conferred individually by an authority with the power to deny it. In that case, we speak of **privileges**. Rights are not the result of knowledge exclusively, but of practices. Eventually, they may be reflected in widespread attitudes - for example, the provision of equal opportunity for girls and women, or tolerance of religious differences - but ensuring the associated right **now** requires resources and enforcement of laws.

Rights may not be recognized by lawful authorities but, where they are internationally proclaimed and supported, there is a moral pressure that may protect the victims of bad government, and even result in changes in the unjust laws. It is this pressure that justifies those who advocate sanctions against South Africa, and it was this that justified international action against Canada when Sandra Lovelace was treated unjustly in this nation. Probably every nation could find examples where international pressures would be possible for the local governments may have been slow to respond, and may even have been popular because they refused to respond. Rights for minorities are not always popularly supported.

The essential relationships among the terms and conditions may be summarized. First, **rights** are not **privileges** conferred by authorities upon only some persons, but **claims that are accessible to all** users within the category. However, rights may legally be withheld if they fail to meet the test of **reasonable conditions**. Rights imply **obligations**, including obligations by other persons in the same category (all unionists must respect the strike vote that was conducted after discussion of the issues) and persons of a different category functionally related to the first (parents, teachers and principals ensure that a particular child, student or group of students receive fair treatment).

IMPORTANT LEGAL FOUNDATIONS OF HUMAN RIGHTS IN EDUCATION

Human rights may be separated into individual and group rights. The individual rights stem primarily from centuries of tradition in Western Europe, and especially British and French traditions concerning juries and fair trials, the right to counsel, voting rights, and freedom of speech. These rights provided even the lowly citizen protections normally available to only the high born, that were beyond the reach of the sovereign and could protect against torture and wrongful punishment. They were even used to impugn the tyrant. These individual rights could be called upon whenever necessary by the individual. The economic, social or cultural rights reflect certain services to groups or persons who share important aspects of their identity: language, religion, gender, age, marital status or similar qualities. The importance placed upon these group rights may vary for, in Canada, we enshrine some in the constitution and others are not specifically named. Some governments consider extending public services on the basis of citizens' group identity to be very important, for services provided in the wrong circumstances may be services denied, or designed to destroy the identity of the group. Education illustrates perfectly this double possibility. Individuals belong simultaneously to several different groups and their loyalties may change over time. In real life, there may be contests among the loyalties to different categories of rights, either for members of the group or even for a particular individual. We can see that the boundaries of group rights are being extended steadily, and the `rights' to a safe environment and to peace are examples where the group acquires an international identity.

There are important differences in the way that rights are perceived in law: there are both written and unwritten rights. There may be constitutional statements that define fairly precisely what the state must protect. Equally the notion of justice may emerge from the collective and cumulative decisions of juries over hundreds of years. Although justice may be presumed to exist where there are no laws, its existence is speculative until the writing begins, either in the form of precedent or in legislation.

DEFINING RIGHTS FOR SCHOOLING

What are some of the human rights that Canadian children have a right to learn in school? Why? and when? It is assumed that we are not discussing the right to schooling, but to practices and subjects that reflect rights as they ought to be understood in Canada.

Personal Security. Schools in Canada are among the safest places that a child ever goes. The supervision is closer than given by most parents, and the equipment is well maintained and comparatively safe. The dangers that schools kids face from strangers, other kids, and even members of their own families are much greater than those from school officials.

Teachers **supervise** as the basic means of providing protection on school premises, but "streetproofing" education so that the child is reasonably safe from perils elsewhere (drug use, sexual experimentation, gang violence) is also provided. This argument can be taken too far, and used to justify swimming programs lest someone drown, car driving lest someone crash, etc. These are useful skills, and perhaps they should be taught in schools, but they do not need to be identified with human rights.

The school may even intervene directly or indirectly to protect the child against perils within the family: uncorrected medical problems, malnutrition, beatings, psychological or sexual abuse. Some of these custodial and educational functions are not willingly undertaken by teachers who feel ill-qualified for the role, but the child's interests come first. And security of the persons is of primary concern for society. It is a constant throughout schooling.

Basic Rights Definitions.
Schools may promote an understanding of the existence of and origins of rights, a study that makes learners more likely to defend their **rights** and those of others, and probably to avoid infringing the rights of others. It is proposed that these studies should begin early, as soon as the child is able to understand the role of a group such as the family, the class, various youth groups, and, of course, the more abstract institutions of the economic, social, religious and political systems. The Canadian Human Rights Foundation has developed and pilot-tested materials that accomplish this with children in about grade four. The reasons that children should learn about the existence of rights, or even of the possible violation of rights in Canada and other places, is that the best defence of our rights is the recognition of their boundaries by most of the citizens, and a vigorous attachment to their practice (Humphrey, 1977). In some countries, many citizens - and especially soldiers and police - have been induced to violate the rights of their neighbours, and later to plead that they were ordered to do so, or they did not realize that what they did was unlawful. It would be nice if this happened rarely in Canada, but it has happened. Logically, and on the basis of research (Torney-Purta, 1982), the earliest rights and those considered most important in our constitutions should come near the beginning, as proposed in the CHRF proposal (Urman, 1986).

Religious Education.
Religious benefits provide some of our earliest statements of rights. They define certain persons and groups with almost perfect precision. But because of the diversity of religions, the teaching of "rights" becomes very complex. Religious rights are proclaimed in the Universal Declaration and most similar documents. Usually the "protection" is extended to religious persons, either as individuals or groups, to observe their beliefs without interference. The interference has traditionally been perceived to come from the state and, in many Canadian provinces, the school systems are partly confessional in an effort to overcome this problem. In others, public schools are a collection of many faiths and, in trying to be fair, humanism is one basis for discussing religious education. But when parents object to this "solution" they may seek relief on behalf of the child by organizing private schools to protect the child from the imposed beliefs of the state. It is possible that parents are actually impeding the child from securing a religious perspective by providing only canned answers instead of responding to natural interests. The right of the child to be free eventually from parental direction is now recognized and justified. In Canadian schools, there are conscience clauses that permit students to be exempted **for** or **from** religious teaching of a sectarian character and religious topics within the curriculum are usually monitored by a multi-faith committee. The means of serving religious interests must be feasible in society - it must be subject to reasonable limitations. For example, there may not be enough children of a particular faith to enable classes to be organized for religious instruction, or there may be protections against slander of **other** religions during sectarian instruction, or there may even be constraints against brain-washing intended to promote loyalty to the particular religion. These may not be accepted by some families whose religion is their most important identification, and the parents expect to transmit this heritage to their children. They do not always agree with their neighbours nor with the official policy of the state.

Language Education.
In some cases, the primary identity of a group is language (sometimes associated with race and often with ethnicity) and multilingual communities may present a challenge similar to that of multi-religious society. Throughout Canada, the matter has been addressed by making certain languages offi-

cial, and acknowledging other languages for defined purposes, and teaching them where possible. Where more than one language has been designated as official, there may be disputes concerning their respective rights, and the rights of other minorities may be lost in the major confrontation. This may occur where a strong argument can be made for official status, but the **right** has not been recognized. Political and linguistic boundaries do not necessarily follow the same contours.

Official Languages.

French Language Rights, everywhere in Canada. Canada has identified language rights in a particular way: French is intricately intertwined with Catholicism in the typical French Quebecer's sense of historical identity (Moniere, 1981) but the widespread existence of Anglophone Catholics and **also of numerous French non-Catholics** makes this equation inconvenient for policy purposes. Only about half of Canadian Catholics are French, and not all French are Catholics. Although not all French Canadians (such as Acadians) are persuaded that the Quebec perspective is best for them, most of them believe passionately in their right to education in French, and where possible to control of their schools in order to ensure this right. Magnet (1982) identified education as "the most explosive issue dividing French and English Canadians". So intense is this feeling that Quebecois have a **national** psyche safeguarding these group rights — if necessary at a cost to the rights of individuals or other groups. This identification of a French **nation** with its heart in Quebec gives rise to the "separate identity" or "special status" claim that pervades Canadian history. The current prohibition of English signs on the outside of shops owned by Anglophones responds to the widely felt need to create an environment that proclaims French to be the official language of the province. In other provinces, the matter is not helped by loud proclamations that French should be uprooted from official status in New Brunswick, or that it should be denied that dignity in Nova Scotia. The human rights lessons of Canadians must give sufficient attention to this historic and unresolved feeling, and aim at future behaviour of citizens who will not threaten their citizen cousins in this way. A new perspective may develop among French youth, because they did not actually experience the personal slights, economic disadvantages, political neglect and betrayal, and educational constraints that dogged the cohort of adults who sought relief through the Quiet Revolution and Parti Quebecois. The legislation that responded to these disadvantages includes the Official Languages Act (1969), and various amendments to provincial laws, including the education acts. The revolution in Quebec is still in process. The counterpart revolution in provinces where English is dominant must proceed, and education is doing its part by producing more bilingual youth than ever before.

English Language Rights, Modestly Constrained.

English is not threatened with extinction anywhere in Canada. Even in Quebec, where only a small minority of the population learn English in the home, the rights of English families to educate their children in English is carefully protected and nurtured by a complete, vigorous and excellent educational system. The right to use English as a language of instruction is constrained for French and allophone families of Quebec in a manner similar to the constraints upon non-English families in other parts of Canada.

Ethnic Rights.

Ethnic interests in education derive from the myth of a common ancestral experience or even a remote ancestor. This case is very weak in reality for, statistically, everyone in Europe is probably descended from Charlemagne, and equally from his lowliest groom. Ethnic purity (or racial purity) is extremely doubtful (Hughes, 1982). What counts is that people may **believe** that their ethnic identity is strong, justified and worth preserving for the future. And so they promote it and others normally accept the behaviour implied. Although preserving favourite myths is usually a harmless pastime, schools should never be a party to building self-esteem at the expense of some other groups. There are reasonable limits. Public condemnation must follow teaching which goes beyond these reasonable limits, for that is a form of racism.

Native Rights and Responsibilities.

It is difficult to define what Aboriginal Rights are, or to identify what they should be (National Indian Brotherhood, 1988). Recent federal-provincial constitutional conferences dedicated to this matter (also attended by leaders of several native groups) failed to agree on what matters. There is no consensus in international law about them, but certain native rights are protected under treaties signed at various times in the past. These rights are difficult to interpret after years or even centuries of change. Education - even schooling - is instrumental to achieving most Aboriginal Rights. There are two aspects of education to be considered, the promotion of identity (whether distinctive or shared) through teaching aboriginal languages, traditions, religions, aspirations of their leaders, and similar measures, and secondly providing non-discriminatory education to every child in every part of each nation. It is quite clear that neither equal nor good education has been typically available, so Native leaders seek the best through either autonomous schools or selecting among existing systems. Individual families are not making the fundamental decisions, so group rights are clearly primary (National Indian Brotherhood, 1988). The second part of the requirement is that all Canadian schools should teach non-Indian children positive aspects about the native community, and constrain negative partial images which complicate future solutions.

The Protection of Racially Distinguishable Groups.

Many nations are increasingly aware that the differences in race among the population are broader and more divisive than has been pretended. Racism is a factor in many societies, and it is susceptible to the influence of schooling. Even where it has been subliminal, many authorities are seeking race relations policies that improve the prospects for the future. Typically, this approach goes beyond the "non-discrimination" protection by advising school officials to deal directly and clearly with racial issues and prevent racial incidents from being regarded as harmless pranks or freedom of expression. The object is to ensure that their policies are perceived to be fair to and by the minority community.

The usual problems of racism in schooling include streaming of persons from certain groups into vocational or terminal programmes (Samuda, 1984) and hiring or promoting to major responsibility only token numbers of the minority professionals. Consequently, some school boards have an explosive situation that must be dealt with soon, and adroitly.

Protection Against Sexual Exploitation and Discrimination.

Sexual exploitation is widespread in society, in the workplace, the family, and in most institutions. Because schools are such public places, other places have greater problems. But it does occur. Sexual exploitation of children may be a criminal offence, and teachers may be cautioned that "touching in a way calculated to arouse" is an assault. In addition, comments, leering and similar unwanted attention which is either known or ought to be known to be unwelcome, is sexually offensive and may result in professional reprimands. Almost all of the recorded offenses are by men, but these categories of law or not gender specific. Nor are the ages of victims easily defined, for victims may be teachers as easily as pupils.

Girls and women are victimized by various aspects of teaching in most societies. There may be streaming by decree or practice that denies access to various kinds of further education or vocations, and there may be policies that make women's education inferior in kind or importance - for example, by devoting a much smaller budget to the athletic program of girls.

Discrimination on the basis of sexual orientation is also a possible offense, not so widespread nor so precisely forbidden in law (MacKay, 1986). Sexual exploitation by a same-gender person is dealt with as severely as where the offense is opposite-gender.

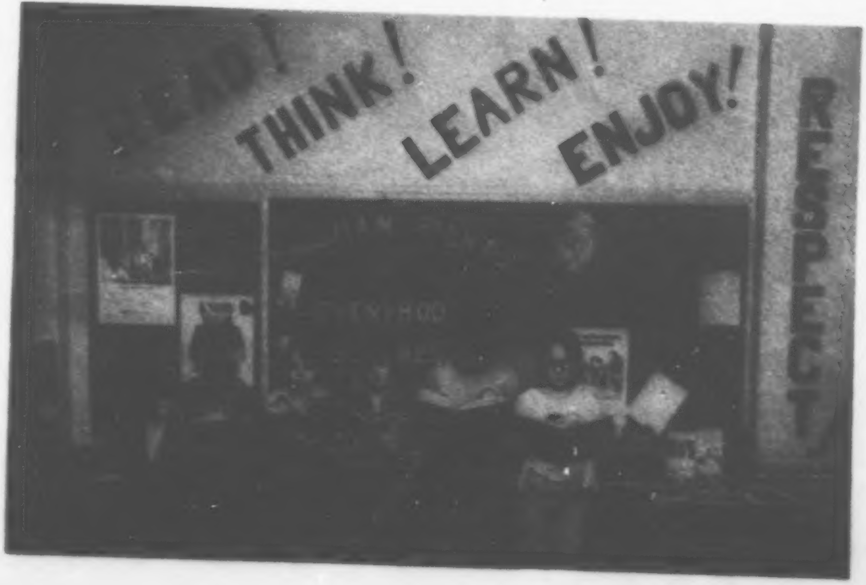
Pedagogical Rights and Obligations of Teachers.

Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. International Covenant on Economic, Social and Cultural Rights, 1966, Section 13.1.

The role of teaching includes choosing methods and content for teaching, selecting students or various programmes, and evaluating the performance of the students. These decisions are generally influenced by the wishes of the community to the extent that general agreement can be reached - i.e. that reasonable limitations can be identified. For example, no school teacher is likely to teach figure drawing with nude models, to advocate sexual promiscuity among teenagers, to encourage dishonesty in business, to ridicule the elected leaders, to teach hatred of any cultural or religious group, or otherwise to violate probable community standards.

But to encourage children to think, to be more critical of emerging social concerns, to explore alternatives, to experience compassion for disadvantaged persons and awareness of the interests of other peoples, teachers may decide that it is appropriate to introduce controversial ideas through the arts or social studies. A distinction may be made between **introducing** such ideas and **advocating** them. This stimulation of children's critical awareness and creativity is a professional obligation, typically outlined in official guidelines for teaching in these areas. In fact, most educators consider that boring the students or failing to challenge their emerging ideals may be a greater shortcoming than proposing something controversial - and perhaps unpopular to some.

Examples from the selection of literature for high schools illustrate the problem. Is *The Diviners* too explicit to be studied in senior literature? Is *Romeo and Juliet* pornographic. Is *Huckleberry Finn* racist? The social sciences raise slightly different questions: which political views are considered fit for analysis in high school? Should visiting speakers or the selection of projects for students be vetted by a morality group? Are the Ku Klux Klan, apartheid, or the Nazi party to be studied or not? Which particular events from the past or the present should be taught with particular attention rather than silently buried? How



does one justify the holocaust or the use of the atomic bomb for compulsory analysis of horrible events? How can respect for religion be distinguished from inculcation of a particular creed? How can reverence be achieved while respecting the rights of non-religious persons? How should we study once respected accomplishments when the context is now changed or not well understood: Francis Drake the pirate, Louis Riel the Father of Confederation, PierreValliers the political analyst ... How do we deal with current advocates who have a message to convey to the youth as well as to the adults? Can we admit the Chamber of Commerce but not the unions? Although other subjects have their equivalent questions (including which field trips are most worthwhile), they are more technical and less controversial. Of course, the personal views of individual teachers may be distinguished from the consensus of experts in the field but, although the latter are persuasive, they are not absolute. The teachers decide in most cases.

Political decisions have occasionally been imposed by provincial or local authorities. More frequently, community pressure groups advocate censorship of particular authors or books, propose or condemn one side of controversial topics (such as family planning or even particular alternatives to it like abortion), try to control substance abuse, introduce creationism as an alternative to evolution, and/or avert racial confrontations. Community interests and activities are an important part of a democratic society where free speech and the opportunity to demonstrate are considered to be important. But teachers reflect several potentially competitive sources, and they have the responsibility for the formation of well conceived personal opinions and life styles which reflect them. For example the curriculum identifies differences in values and practices between generations, and transmits views based on scholarship and law - if necessary opposing ideas which are popular within certain communities (McGowan 1983). Another of teachers' major responsibilities is to encourage respect for different value systems and to develop critical awareness. Shapiro (1985, 41-42) proposes that pupils acquire some knowledge of diversity in both the national and international context.

One of the newly emerging notions in human rights is that children are entitled to "informed participation" in decisions that affect their lives. Freedom of expression and freedom of investigation for the pupils are best fostered when the teacher has the professional freedom to encourage or to set reasonable limits on the children's activities and within the classroom the children are encouraged to develop codes of behaviour for their own members.

The typical schooling regulations make it clear that the official curriculum shall be the normal basis for classroom activities, and that the teachers may select activities and materials within these broad guidelines. If a teacher breached professional standards, disciplinary action (such as cautioning against the use of the particular source of information) might follow, but dismissal would be rare.

Sometimes there is unwarranted harassment from persons who have no legal stake in the community - from persons who are not community residents, not parents of the children involved, and not entrusted by educational authorities to advise on the matters in question. Principals and boards have the power and obligation to deal with such intrusions, and there is no obligation to accept such external suggestions for the school. A few vigilantes continually prowl for weak-kneed boards where their influence may influençe a by-law. Sometimes the intruder develops a political following that influences board elections, but rarely is teacher tenure much threatened. The more likely casualties are the programmes and the kids' education.

Some individuals hold that standards are not matters of opinion but of divine law, but the teacher is legally upheld when teaching what may in some cases be unpopular ideas. A typical example is in the field of science, where some parents believe that evolution is blasphemy and try to prevent it from being taught as science (McGowan 1983). A very recent example is that children are entitled to instruction about AIDS, as a protection of not only their health but their lives, and such instruction necessarily includes sex education - despite their being a taboo subject in certain communities. Teachers therefore have a degree of protection of the Ministry with which to challenge certain community standards, and **responsibility** rather than rights is the explanation for most of their decisions in such matters. After the classroom door is closed, teachers interpret the curriculum and even the events of the world in typical curriculum activities, a right which carries a corresponding responsibility so that the child may develop a balanced and responsible idea of society. Teachers are not restricted to a narrow interpretation of the curriculum, nor are they encouraged to "follow the text" without applying its relationships to the real world. They have the **right** of professionals to innovate.

Teachers are required to teach the subjects assigned and to teach them effectively. They cannot choose to teach a different subject because of their training or preference, for the staff is obliged to provide for the full range of subjects that students have a right to choose in a particular school. Problems result, of course. For example, when a teacher of chemistry is not available, the principal and board may decide to ask another teacher with stale or limited qualifications to teach that subject, recognizing that the students will suffer to some degree. When this type of solution places the students at risk, it is likely that the principal or the board will be found partially liable for any injuries that result in the classes of the under-qualified teacher.

Because **effective** teaching is required in order to fulfil the teachers' obligations, boards periodically monitor the performance of their employees, using visits to the classroom and external examinations as data. Ineffective teachers are usually spotted during the initial weeks of their employment and dismissed at an early opportunity. Long serving (tenured) employees are usually cautioned, given a chance to improve their performance, then closely monitored before a decision to fire is entertained. Although the public mistakenly believes that ineffective but senior teachers cannot be fired, tenure protects only against abusive reasons for dismissal. Because the first obligation of the school system is to the students, that may mean firing a popular and well-meaning but unsatisfactory teacher. When the root of the problem is substance abuse, ill-health or overwork, the board will often seek a medical or sabbatical leave to permit some chance of recovery.

CONCLUSION

Human rights are important aspects of many decisions in education. In many cases, the focus on rights helps to understand where there have been false claims or where limitations are proper. Teachers find that human rights complicate some of their work but, in various ways, it serves them well. Of course, the other participants in the educational process - pupils, parents, community groups, etc., also experience their benefits and burdens.

On balance, there will be difficulties during the transition from the old system to the new ones that are now mandated in several provinces. Once these, and their necessary support systems, are more generally in place, new school policies such as Race Relations programmes, and new curricula being developed will ensure that some of these questions will be addressed.

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FIRST NATIONS AND HUMAN RIGHTS

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Some years ago, when I was growing up in a racial environment, the experiences I recall of that time bring some very unpleasant memories to mind because of the negative impact these had on my cultural identify as an aboriginal person. Yet I say, it was good.

When I recall the injustices and abuses experienced in the residential school system which attempted to strip me of my language, customs and cultural values, I say it was good.

When I recall the plunge I took to obtain an education in the public school system at a time when indians attended only day schools on their reserves, and the very many unforgettable ordeals experienced during those years, I say it was good.

When I look back at all my past and see what was done to belittle and degrade my person, continually reinforcing through negative attitudes that to be Indian was to be less than human, I say it was good.

No doubt you may be thinking, how strange it is that I should be saying "It was good" after so many dehumanizing experiences when no respect was given to me as a person during my formative years outside my family and reserve community.

Because of all that I've encountered during those years from the dominant white society, I am able today, to listen, to understand, to be empathetic, to be compassionate, to be supportive to others who may be subjected to similar treatment. That is why I can say "It was good" to have been able to endure it and survive through it all.

There was a time when I almost succumbed as the saying goes "If you can't beat them you join them", or was beaten, that was when I cast aside my cultural ancestry and accepted assimilation. I came to my senses after my father's death, my first teacher who had taught me to be proud of my Indianness. Since 1974, I have devoted my energies toward promoting the Micmac History, Language and Culture.

Aboriginality is defined to mean "Indigenous Existing in a Land at the dawn of History or before the arrival of Colonists". Aboriginal peoples of Canada include the Indian, Inuit and Metis peoples of Canada. What rights accrue to a person as a result of his or her aboriginality?

The following is just a partial list:

- Collective self-determination or self-government
- Economic development, Employment and Training
- Hunting, trapping, fishing, harvesting, gathering
- Language, culture, religion
- Health and social services
- Education

This final right which is education is an area I would like to spend a little time on since that is where my interest and work lie.

At times like this, though, I sense a bit of awkwardness - a misplaced awkwardness, speaking to a group such as this. It seems that it would be more in keeping with reality if we exchanged positions, and you tell me what went wrong in the social system. Why did the writers of Canadian history fail to recognize the first nations people as a people instead of classifying them as savages? Why did they distort and belittle their spirituality, their traditions, their life-style, stripping them of their human dignity and self-worth? Why were they stereotyped to the extent that it is still almost impossible to rise above the negative impressions carried over to this very day? Why do the media, newspapers, magazines, television, movies and books continue to reinforce these stereotypes perpetuating the negativism? My final question is why do the first nations people have to be the ones to be struggling so hard, so endlessly, to correct these wrongs when those who have imposed them on us continue to be the privileged and we the victims as the underprivileged, leaving us powerless?

The Universal Declaration of Human Rights would recognize that all of the above is against its charter which states that all persons regardless of race, color, sex, religion, political or social origin have the right to be treated fairly, that everyone has the right to a nationality. Not only must there be recourse to the human rights to help alleviate any destructive negative attitudes but more importantly the department of education must move towards educating the public. In the September 1989 issue of *Education Nova Scotia Bulletin*, it was gratifying to note that there is a step-up beat in the area of multicultural services in the province's schools and a promise that there will be increasing emphasis on providing in-services for teachers and other staff upon request by District School Boards. This is long overdue. Cross-Cultural training for teachers administrators and staff has far too long been underemphasised in importance.

Furthermore, principals of schools must take a stand dealing with mind-sets and condemn discriminatory practices in the classrooms, in the teachers' rooms, on the school grounds and buses, that derogatory remarks are challenged rather than ignored. Raymond L. Calabrese, in a recent issue of the *Education Digest* states that "The Principal must make discrimination an ethical and educational issue". He goes on to recommend that "The only way of heightening teacher, student and community awareness is through staff development where policies, attitudes and actions are examined".

Care must be taken that the rights of the minority are not superseded by the rights of the majority, that a balance is attained and maintained, in the educational system. Our schools should be models of equality in diversity-where all cultures are tolerated and respected. This is possible only through education.

As usual, I find myself either too simplistic or too idealistic when I make such statements. What's going on at Sydney Academy gives me some hope in thinking that I'm not way off-base. I should like to recall this development as reported on a local daily:

> "It's called the Sydney Academy Human Rights Committee and it's believed to be the first of its kind in a Nova Scotia high school.
>
> Chairperson Banoo Malik, a Grade 12 student, says the 16 committee members hope to achieve a broader understanding and appreciation of different cultures.
>
> The ultimate aim is to spread that knowledge.

"We want to eliminate the barriers that separate different races and cultures," Malik says. While she admits that's a tall order, the chairperson feels the committee can at least make a passageway through those barriers.

Xenophobia, an irrational fear or hatred of foreigners, is both unproductive and destructive, Malik suggests.

"High school students are the leaders of tomorrow and if they develop an understanding of other lifestyles and cultures, they'll be better leaders."

The committee was formed as a result of Malik's involvement with the Sydney Human Rights Affirmative Action Committee."

The national review of first nations education in one of its recommendations requests that Mandatory Cross-Cultural training for all non-native and first nations staff must be provided by teacher training institutions.

Negative attitudes towards Indians and Blacks must change. This can happen through education. It is only when we change the hearts of all people - black, red, yellow and white - can there be equality educationally, politically, economically and spiritually. I do see a faint light at the end of the tunnel.

Union of Nova Scotia Indians

Centre of Picture: Shirley Howe, Micmac teacher; with officials at a Human Rights Conference. L to R: George McCurdy, Shirley Howe, Steve Nyajeka. Two individuals not identified.

[illegible]

HUMAN RIGHTS CONFERENCE,
DECEMBER 7, 1989
HALIFAX

DR. B.G. RAMCHARAN
CHIEF, SECRETARY-GENERAL'S DRAFTING SERVICE, UNITED NATIONS

It is a particular privilege for me to be with you here today and to join in these events to commemorate this special anniversary of the Human Rights Code in the province of Nova Scotia. The Code which you are honouring today, and your quest to give life to it over the years, bear witness to the culture of human rights that you are striving to develop in this Province as in other parts of your great country. Your quest is one that you share with the peoples of the world who join you in your faith in human dignity, in human rights and who also wish to build societies grounded in freedom and respect for the rights of the individual.

In his Preface to Literature and Dogma (1873), Matthew Arnold wrote about culture:

> *"Culture [is] the acquainting ourselves with the best that has been known and said in the world, and thus with the history of the human spirit."*

It is with the universal human spirit that I shall be concerned in the course of these remarks. I should like to submit to you that the global human rights movement captures the best that there is in the human spirit.

It is my profound belief that we are seeing in the contemporary world the deepening of the roots of a universal culture of human rights. I should like to place before you the following basic propositions to support the existence of a universal culture of human rights:

1. All human beings desire to live to the fullness of their life rather than be arbitrarily killed or executed.
2. All human beings desire to lead lives in which their material and spiritual needs are fulfilled.
3. All human beings prefer living in freedom to living in slavery, bondage, serfdom or in political imprisonment.
4. All human beings dread torture.
5. All human beings desire to be treated with respect for their dignity.
6. All human beings desire to have equality of opportunity for a full life in their societies.
7. All human beings desire to think freely and to pursue, profess and practice their relation or beliefs.
8. All human beings desire to learn the lessons of life and to enjoy the beauties of nature as well as of their own artistic creations.

These common desires which animate us all as human beings are what I understand to be the foundations of the universal culture of human rights. These foundations were given eloquent expression by the poet Rabindranath Tagore:

> *The same stream of life that runs through*
> *my veins night and day runs through the*
> *world and dances in rhythmic measures.*
>
> *It is the same life that shoots in joy*
> *through the dust of the earth in numberless*
> *blades of grass and breaks into tumultuous*
> *waves of leaves and flowers.*
>
> *It is the same life that is rocked in the ocean-cradle*
> *of birth and of death, in ebb and in flow.*
>
> *I feel my limbs are made glorious by the*
> *touch of this world of life. Any my pride is*
> *from the life-throb of ages dancing in my*
> *blood this moment.*

To buttress my submission in favour of the existence of a universal culture of human rights I should like to place before you the following historical propositions:

i) Human rights concepts, in varying formulations, may be found in the history, philosophy, traditions and cultures of peoples throughout the world.

ii) The formal proclamations of human rights in recent centuries have followed a process of: **grievances** giving rise to **claims** turned into the **recognition** of rights. The human rights concept has therefore followed a pragmatic path. In their accumulation so far, international human rights norms are part of the common heritage of humanity.

iii) The content of universal principles is in constant evolution and is being enriched by the experience of people in all parts of the world. At the same time, there is a global consensus on norms guaranteeing respect for the physical and mental integrity of the individual.

iv) There is a mounting universal consensus, governmental and popular, in favour of the concept and the application of universal human rights grounded in the Universal Declaration of 10 December 1948.

The first thing to note about the Universal Declaration of Human Rights is the central place which it occupies in conceptions of national and international order. The peoples of the United Nations were determined to establish a new international order in which peace would be built upon the foundations of human rights and of economic and social justice. It was in that spirit that in the Preamble to the Charter the peoples of the United Nations expressed their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

In the opening lines of the Universal Declaration of Human Rights, the United Nations General Assembly proclaimed that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

The second thing to note about the Universal Declaration of Human Rights is that it sees human rights in their interdependent and indivisible relationships. In other words, it sees civil and political rights and economic, social and cultural rights mutually supporting and reinforcing one another.

Nevertheless - and this is the third feature of the Universal Declaration, it places a premium upon respect for the physical and mental integrity of the individual. It seeks to protect the individual against arbitrary deprivations of the right to life, against enslavement, against torture, against political imprisonment, against inhuman or degrading treatment or punishment and against discrimination. The individual always comes first in the Universal Declaration.

Fourth, the Universal Declaration of Human Rights beckons all States to establish, on the foundations of its precepts, national human rights systems encompassing adequate and effective constitutional, legislative, administrative, judicial, educational and dissemination arrangements. While serving as a beacon for all parts of the international community, the Universal Declaration of Human Rights also casts its spotlight into each country and looks for each of these six pillars of a national system for the promotion and protection of human rights. What this means, in simple terms, is that each country should keep under constant scrutiny the adequacy and efficacy of all parts of its national human rights system.

The fifth feature of the Universal Declaration of Human Rights is that it calls upon all individuals, all groups and all organs of society to act constantly to uphold its precepts. National and international solidarity for human rights as a rallying cry of the Universal Declaration.

The sixth feature of the Universal Declaration is that it looks towards a social and international order in which the rights and freedoms contained in it can blossom and flower in all parts of the world.

Seventh, the Universal Declaration of Human Rights envisages that, in the event of departures from its precepts, or of violations of human rights, States, individuals, groups and the international community will take prompt and effective action to combat those violations.

And finally, we may note a feature which is implicit in the title of the Declaration itself - its universality. The General Assembly of the United Nations proclaimed the Declaration as a "common standard of achievement for all peoples and all nations."

There is an **irrefutable democratic test** which confirms the concept of the universality of rights. It is a simple matter. Just ask any human being: Would you like to live or be killed? Would you like to be tortured or enslaved? Would you like to live freely or to be in prison? Would you like to be in bondage? Would you like to have a say in how you are governed? **The democratic test to universality is, in our view, the basis for its strongest affirmation**.

To say that the concept of universal human rights is a valid one is to say that there are **some** human rights which are applicable to everyone, everywhere. However, the notion of regional customary international law is one which is well-known. The concept of universality does not, therefore, preclude the emergence of regional human rights norms. But they must be **complementary to**, and not **contradictory of** the universal norms of human rights. In our view, the best statement of universal human rights that we have in the world continues to be the Universal Declaration of Human Rights, a monumental document in the march of human civilization.

There can be no doubt that the United Nations has made a remarkable contribution to international concern for human rights in any part of the world. Some accomplishments which come to mind are the following:

1. We now have an elaborate international code of human rights, with pride of place belonging to the Universal Declaration of Human Rights and the International Covenants on human rights. Daily, individuals invoke this code in claiming respect for their inalienable human rights. There is no longer any dispute as to what human rights are. We have now gone past that stage.

2. Under the influence of the Universal Declaration of Human Rights, national human rights systems are under construction in many countries of the world. As we have already indicated, an ideal national human rights system should encompass: constitutional guarantees, adequate legislation, protection through the courts, protection through institutions such as national human rights commissions or ombudsmen, education in, and the dissemination of information about, human rights.

3. We have established that the United Nations may concern itself with any human rights situation: discuss it, investigate it, adopt resolutions, send visiting missions, offer good offices and assistance and advise in the strengthening of laws and institutions for the guarantee of human rights. The United Nations is a force to be reckoned with when it comes to human rights. So are non-governmental organizations such as Amnesty International. The United Nations Charter and the Universal Declaration provide a framework for the actions of non-governmental organizations.

4. The United Nations has performed and continues to perform 12 great roles in promoting the implementation of the Universal Declaration of Human Rights. These are the roles of: 1. lawmaker; 2. monitor; 3. judge; 3. keeper-of the conscience; 5. fact-finder; 6. lifeguard; 7. diplomat; 8. adviser, 9. researcher; 10. frontiersperson (scientific and technological developments and human rights); 11. troubleshooter; and 12. partner (with NGOs).

5. On the basis of the Universal Declaration and in the light of the experience gained through the above-mentioned 12 roles, the concept of international accountability for the observance of human rights has taken root in the international community. It is now established that the United Nations may look at any situation of international concern; it may discuss, investigate, comment on, condemn or apply sanctions in respect of any such situation.

6. Pursuant to the Charter, the United Nations applies the principle of international account ability in the area of human rights through:

   a) the consideration of reports submitted by states;
   b) the consideration of petitions;
   c) the consideration of state to state complaints;
   d) the open review and public discussion of issues;

e) the humanitarian good offices of the Secretary-General;
f) fact-finding and visits on the spot;
g) exposure and condemnation, if necessary; and
h) dialogue and assistance

In these and in other ways the United Nations is striving to build the kind of world which Tagore dreamt of:

"Where the mind is without fear and the head is held high
Where knowledge is free
Where the world has not been broken up into fragments by narrow domestic walls
Where words come out from the depth of truth
Where tireless striving stretches its arms towards perfection
Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit
Where the mind is led forward by thee into ever-widening thought and action -
Into that heaven of freedom, my Father, let my country awake."

Dr. B. G. Ramcharan, 1989.

Premier John Buchanan marked the 33rd anniversary of the United Nations Universal Declaration of Human Rights by declaring December 10th Human Rights Day in Nova Scotia. At the proclamation signing ceremony in 1981 were, seated, from L to R: Mayor Dan Brownlow, Cape Breton County Warden, Ed Kyte. Standing, L to R: Dr. W.A. MacKay, and Hon. Ken Streatch.

AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY*

MARY BRUCE
DIRECTOR,
OPPORTUNITY DIVISIONS,
CITY OF TORONTO

Thank you for that kind introduction. It is wonderful to be home. When I left Halifax, I had no idea that my career would lead me back here 30 years later to talk to you about equal opportunity.

It is a pleasure to talk to a group that is working towards full equality in the workplace. I have been asked to speak on the components of a fully implemented equal opportunity program.

Since at this point in our history of equal opportunity, affirmative action and employment equity in Canada, I am not sure that there is any such thing. What I will try to do is describe my impressions of a fully implemented program and leave it to you to judge if the City of Toronto has succeeded.

In my mind there are four key parts to an on-going program. They are: data research, monitoring; training for managers and employees; and complaint handling. Let us take a look at each of these components separately and then describe how governments can extend their equal opportunity policies to the private sector through contract compliance.

Data is the key component of any equal opportunity affirmative action or employment equity program and I cannot over emphasize its importance. I am talking about good data, not the data that hides the problem. Not the data that some organizations use as delaying tactic. Let's look at how they do this because it shows us what to avoid. What these organizations do is count the target groups first to see what the situation is. Then they count them two years later to see if there is any improvement.

There usually isn't, so they make recommendations. These recommendations will probably include intensive training. Skills training, behaviour training, management training, awareness training and on and on and on. Now all this training takes about another two years and then they count again.

At this time, they may release one or two strategic and public jobs within the organization. Then they point to these success stories and say "see, we hired one". Two years go by and they count again.

Now this time there is an improvement, usually in the temporary and casual workforce which they say is the feeder pool for permanent jobs. But still there is very little change in the permanent workforce.

The data collection I am suggesting dispels many commonly held myths and ensures that the programs are based in reality. Let me cite a couple of examples.

One myth I hear all the time is "We can't hire women, visible minorities, native persons or people with disabilities for these positions because they are not qualified".

Well, what are we up to now? Six years? This is about the time when an organization finally starts to talk about goals and timetables. Not quotas, but goals and timetables. In fact, most organizational reports at this time will take at least one full page to explain why quotas aren't the answer.

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* *Human Rights Conference, Halifax, December 7, 1989.*

Now I figure they can waste a good six years before they have to show any real numerical results from a goals and timetables program. So what are we up to now - 12 years - I'll stop here because I think you get the message.

What can data do? Data will show how many target group members were screened-out prior to the interviewing stage, and the size of the target group pool available for recruitment, in both the internal and external labour forces.

Data available to me suggests that target group members are sometimes blocked from job access due to a growing "credentialism". At the same time, our recently analyzed census tapes indicate that target groups are available but underutilized in many occupations.

Another myth is that women, visible minorities, native persons and people with disabilities are over-running the workplace. As one manager said: "Look at those three who just got managerial positions, pretty soon white males will be an endangered species".

What can data do about this one? The data will show exactly how many and what positions are held by target groups, and what changes have occurred over time. A good goals and timetables package will also show the future impact of different policy options. Any data that I have seen shows that the progress of target groups in achieving equity is very slow. Whites and males need not worry.

Research around equal opportunity objectives is not an easy task. We found that most of the systems we needed were designed for operating purposes only. Getting the right data from them for planning and evaluation has been very difficult. Every time we think we have solved all the problems, a department brings in a new computer system or we find yet another area that needs to be documented.

For example, we have recently received a series of complaints from older members of our workforce who feel that they are being shoved aside. We are now looking at ways to document what happens to employees as they reach their 50's and 60's. If these perceptions are true, we may want to add another target group to our equal opportunity program. Research is truly an ongoing activity.

In order to enforce equal opportunity measures effectively, it is important to have in place a mechanism for monitoring employment practices and reviewing them regularly for their impact on target groups.

At the city of Toronto, these include monitoring competitions for recruitment and promotions, handling complaints on discrimination and workplace harassment and providing race relations, human rights, and cross cultural training. But how do these programs work?

First, to conduct monitoring we identify a competition that requires monitoring for a variety of reasons and a person from the equal opportunity division sits through all stages of the screening and interviewing. We point out any flaws, discrepancies, irregularities and illegalities where they occur. We are there to ensure that the process is fair.

At the end of the process, we provide a detailed report answering questions such as:

- was the information on the promotion bulletin or advertisement job related?
- did the community have full access to the job advertisement?
- If credentials were required, were they job related?
- were interview questions based on specific criteria?
- what if any, were the significant issues raised by this competition?

Through this process we are able to continuously effect changes and provide necessary advice and protection against bias. Monitoring is also an effective method of educating managers who are responsible for the hiring and promotion of employees.

Secondly, race relations, human rights and cross cultural training is an integral part of our equal opportunity program. We offer several training programs including:

- A three-day coaching and counselling course which provides managers with the opportunity to acquire the skills necessary to communicate more effectively in an organization committed to equal opportunity.

This course is designed to address managers' and supervisors' needs and concerns as they relate to equal opportunity and human rights issues.

We also provide a two and half day workplace discrimination course which informs supervisors of their rights and responsibilities under the human rights code; helps them to understand discrimination and harassment and how these occur in the workplace; assists them in developing ways of dealing with incidents of discrimination and harassment; and encourages them to regularly review policies and practices for bias against minority groups, native persons, women and people with disabilities.

In addition, the Equal Opportunity Division offers assistance to departments wishing to set-up information sessions, workshops and staff meetings to discuss incidents of discrimination, harassment or requiring specialized training programs for their employees. Like monitoring, training is an effective mechanism for obtaining information on how city policies are working and are a means to build support for equal opportunity measures.

We also provide English in the workplace classes. There are many benefits for both the employees and the corporation from the training. The employees expand their chances of promotion for other employment within or outside the corporation. The corporation gains through better service to its clients and the community; improved communication between supervisors and employees; a better safety record; better employee morale and higher productivity.

Another ongoing service provided by the Equal Opportunity Division is complaint handling. Equal opportunity staff regularly receive complaints from employees and applicants on discrimination and harassment. In addition, managers regularly phone for information or advice before they act on a complaint.

We have a human rights consultant on staff to act on these complaints.

Such action may mean talking to the person making the complaint and any other staff involved, mediating with a supervisor, or accompanying the employee through the various stages of complaint resolution.

Although we do not make decisions for either the employee or the managers we try to identify all the alternatives available and try to facilitate satisfactory resolution.

While this process provides invaluable support to employees and mangers, most importantly, it enables us to detect policies and practices that impact negatively on target group employees and we are then able to recommend changes where necessary.

At the city of Toronto, we have initiated all the activities I have just discussed to ensure the internal workforce receives equal opportunity.

City Council has also mandated us to take a look outside the corporation through a contract compliance program.

Contract compliance promises to be our biggest challenge yet. The program requires the 15,000 firms that seek business with the city to submit salary and employment data on the representation of women, native persons, visible minorities and people with disabilities in their workforce. Our analysis of this data will form the basis for recommending further program activities to council.

Contract compliance also covers our 25 civic agencies, all of which must submit employment data and equal opportunity action plans with their budget. As well, about 800 grant recipients are required to adopt equal opportunity policies as a condition of city funding.

With contract compliance and our other activities, the city of Toronto has now what some people call a fully implemented equal opportunity program. That is, after ten years, we have all the tools to attack discrimination head on and to work toward full employment equity for all target groups. However, I caution you that tools and programs are not enough. To accomplish our goals, we need firm and continuing management commitment. Most importantly, we need firm and continuing political support.

It is only when managers and politicians act that the designated groups will begin to take their rightful place in the workforce and once in that workforce be treated respectfully.

I have found that organizations implement employment equity in three ways. First, there are the organizations that let it happen. They feel obliged to abide by human rights law but see no business reason to exceed the basic requirements and therefore just comply.

Secondly, there are organizations who help it happen. They hire a junior person, give them no resources and have a formal program to make sure that their employment trends reflect fair practices but still see no business reasons to vastly accelerate the rate of change in their equal opportunity status. These organizations feel that a more aggressive stand would be disruptive or would violate other values. This approach is usually sold as a good corporate citizenship.

And thirdly there are those organizations who will make it happen. They see themselves as leaders and therefore want to be a leader in the employment equity field as well. They see employment equity as a business issue because their product or service is geared to a market increasingly represented by employment equity groups. In other words, it makes good business sense.

To date the **let it happen** and **help it happen** organizations seem to be winning. But why? We know the standard reasons: the economy and low turnover. They, "depending on which group we are talking about", "don't apply".

These may all be reasons, but I believe there is a more important issue, "Who wants the change we are talking about?"

You do. At least, I hope you do, or you wouldn't be here.

I do, because I'm a woman, not to mention, it's my job.

A few committed managers who believe they will get better employees.

A few who see it as a moral issue,

and even some politicians.

Who doesn't want the change? Well, we know that 52% of the population is female - including minorities and the disabled. They tell me that 20% of the population are racial minorities - again including women, the disabled and men. Approximately 14% of the population has some type of disability, this includes men, women and male and female minorities - that's a lot of people.

So who's left and how come they are so powerful?

And that's the real issue - power.

The issue for you and me is how do we impact on that power, how do we make it happen - how do we make sure that organizations make it happen. Employment equity to date has been a tedious uphill battle for change and we are at a critical point in our fight for equality in the workplace.

It is time for governments, industry and the community to work together for that change.

It is time for women, minorities, native persons and people with disabilities to forget their differences and work together for that change and because the changes we wish to see require legislative and policy change, they also depend upon you as individuals and what you recommend to the politicians who make laws and policy decisions. These organizations will not change unless you force them to do so.

We as individuals have a choice just as organizations have a choice, we can sit back and let it happen, we can take the 20 years necessary and help it happen or we can take a stand now, unite, and we can make it happen.

Human Rights Conference in Antigonish, 1973. L to R: Dr. Carrie M. Best, Rev. Donald Thomas, and Dr. W. Andrew MacKay, and Chief Albert Denny.

EMPLOYMENT EQUITY

HUMAN RIGHTS CONFERENCE,
DECEMBER 7, 1989
HALIFAX

FELIX CAESAR
AFFIRMATIVE ACTION COORDINATOR,
ONTARIO HYDRO

I am extremely pleased to have been invited to participate in this conference which focuses on Human Rights issues that are of critical importance to the social and economic fabric of this multicultural and multiracial province. In fact, the issues that are being addressed here today are also critical to the survival of a prosperous Canada. As part of the panel that has been asked to address the topic of Employment Equity, I consider myself extremely fortunate to be in such good company. With Mary Bruce, the Dean of Employment Equity practitioners, and Dr.Jain, one of the leading experts on Employment Equity in this country, I wonder if I should say anything. But I'll take the chance anyway.

Employment Equity, as a program, consists of a broad range of activities that are designed to eliminate discriminatory employment barriers faced by the designated groups, and achieve a workforce mix that roughly reflects the diversity of an organization's external community. It is a program that utilizes legitimate special measures to redress past disadvantages.

A good Employment Equity program results in a workforce that is different than what has been the traditional makeup of most Canadian organizations' workforce. In effect, Employment Equity leads to workforce diversity. That is, there will be fair representation of women, visible minorities, aboriginal people, disabled persons and white males.

Contrary to the notion that Employment Equity does away with the merit principle, its foundation is based on the merit principle. The Employment Equity process ensures that hiring and promotions are based on ability and performance without considering factors such as race, sex and other non-job-related physical characteristics. Those who say that Employment Equity violates the merit principle are those who are comfortable with the status quo and those who are manipulated by the people who have a vested interest in maintaining the status quo.

I was listening to a radio program recently and was offended to hear a very popular journalist describe Employment Equity as a process through which an organization systematically lowers its standards. I can assure you that what we are seeing here is the "big lie" at work. The use of the "big lie" is not a new technique. This has always been used as an instrument of social oppression. the "master race" notion advanced by Hitler's Germany is just one example of the "big lie". The notion that Employment Equity leads to a lowering of standards is simply a revisit of the "big lie".

When we look at the demographic information that is available to us, we see that women and other minorities will make up over 70 percent of the new entrants to the workforce. This provides convincing evidence that demands the integration of social policy with economic policy to ensure that this great country of ours continues to be competitive in the 21st century.

Employment Equity is not only morally right, it also makes good business sense. The talent business needs is distributed in all groups in society and corporations and government organizations who continue to exclude certain groups from full participation in their employment system, do so at their future peril.

Canada cannot afford to let those who have a self-interest of perpetuating the "big lie" prevent our country from achieving its full economic potential.

I believe every employer in this country with an excess of 100 employees should have an Employment Equity program with clearly defined goals to achieve appropriate representation of visible minorities, women, disabled persons and aboriginal people. Employers should openly embrace the Employment Equity process. And if they don't then they should be forced to do so through enforceable legislation which requires mandatory targets and timetables. We cannot leave important social and economic policies in the minds of those who, because of fear and prejudice, are not interested in fair employment practices for all groups in society.

The Federal Government's weak Employment Equity legislation has caused some organizations under its jurisdiction to implement Employment Equity programs. Also the Federal Government's Contractors' program has motivated some companies that do business with the Federal Government to implement Employment Equity programs. However, there is common agreement between Employment Equity practitioners and advocates that the Federal Government's legislation is just slightly better than nothing. I can only hope that when this Province brings in Employment Equity legislation that it will be much stronger than the federal legislation.

There are few corporations that, despite the absence of legislation and government leadership, have voluntarily instituted Employment Equity Programs. These progressive corporations recognize that Employment Equity makes a good business sense and it's the morally right thing to do. And I am extremely proud to say that my employer - Ontario Hydro - is among these few corporations. Ontario Hydro has had an Affirmative Action program for women since 1984. This program has been quite successful in moving women into all levels of management and non-traditional jobs. Our President recently expanded the program to include visible minorities, aboriginal people and disabled persons. As part of this program, we have conducted a very successful self identification survey of our over 25,000 employee workforce. the response rate to the survey was 91%, and we are now in the process of formulating numeric targets for all the designated groups.

I am sure the question in many of your minds is why those in power in organizations do not readily accept Employment Equity?

I believe that there are several reasons for this. The primary ones being fear and prejudice. There is the fear of having to manage people who are different or be managed by people who are different. There is the fear that if you subject the employment system to a truly objective process, if you make the employment system truly meritocratic that many of those who are in positions of power who are now considered to be the best may not be the best after all. Some may not even be second best. As a matter of fact, some may not even rate at all. When your employment system is exclusionary, you run the risk of denying your organization the best available talent. Baseball and football organizations have eventually come to realize this fact.

Then, of course, there is simply the fear of change.

Prejudice is an illogical process that is unaffected by factual evidence. I cannot truly say that I know a lot about the motivating factors for prejudicial behaviour. However, you will all agree that prejudice is based on values, and one's values are attained through the socialization process. There are those who hold as a value that the workforce should be made up of a homogeneous group. For these people, it is not whether designated groups can make an effective contribution, but rather if they should be allowed to. There are many corporate movers and shakers that have little tolerance for difference.

Walter Laflore, a U.S. based organizational development specialist, put forward a view of the North American Society (Canada & United States) which I share: **"In our society, that which is perceived as different is treated as if it were less than that which is generally accepted as being the norm"** that which is not perceived to be "normal" is actively or subtly devalued or, at least, undervalued.

"Differences", in our society are seldom seen as merely different. Sexism and racism are the most visible manifestations of differences and are national, organizational and personal realities which work to devalue women and visible minorities.

As long as you are different from those members of the majority culture who hold the power in our society whether within or outside corporations, you are considered to be "less than normal".

The notion "difference equals less than" gives rise to some common workplace expressions like "non team player", "we don't want to lower our standards", and "culturally disadvantaged". How often have you heard (or said), intending as a compliment, "I don't think of you as a woman - a visible minority - different, as if the person referred to had lost sexual identity, pigmentation, socialization or professional affiliation.

What is demonstrated here is a lack of accommodation for diversity or cultural differences. To be accepted you must conform to the norm, and if you are a woman or visible minority you are unable to conform to the norm. The best you can do is to exhibit similar attitudes and behaviours as the powerful ones in the society. At best this may gain you conditional acceptance.

Looking at the lack of accommodation of diversity, in her book *Women's Reality*, Anne Wilson Schaef calls the system we live in B "because the power and influence in it are held by white males, and it is perpetuated by white males with the help of all of us. As the prevailing system within our culture, it runs our schools, our economy, and our society". **As a word of caution, don't get caught up in the words white male; not all white men fit this system, and more than a few women and minorities do**. In fact, she is not referring to individuals but, rather, a system that we have all learned and participate in.

She argues that this system is sustained and supported by four myths, two of which are of particular concern here: 1) the white male system is the only thing that exists. It defines itself as reality; when one lives out of any other perspective or system, she/he is said not to understand reality, "how things are". Other perspectives are unknown or dismissed as irrelevant, inconsequential or crazy. 2) The white male system is innately superior. Anyone who doesn't operate from this system is by definition innately inferior. Since this system created its own rules, it need not be and often isn't logically consistent, i.e., if the white male system is the only system that exists (is reality), to what is it superior?

If we as multicultural Canadians want to be successful in a global economy, our businesses and governments must be managed by multicultural managers. A multicultural manager is one who "is able to bring the full range of perspectives and talents of a multicultural workforce to bear on the organization's output by effectively performing the following competencies:

- Has an understanding of their own cultural orientation and social group membership and how they influence their management style.

- Is able to perform a self analysis and introspection of their personal cultural biases and stereo types and how these influence their personal attitudes and behaviour towards those who are different.

- Has an understanding of other cultural orientations and social group membership and how they influence the attitudes and behaviours of subordinates, peers and superiors.
- Is able to maximize productivity and enhance the workplace environment by capitalizing on the strengths of the diverse workforce.
- Is skilled at addressing conflicts in the workplace that are a result of cultural or social identity group differences.
- Believes that cultures are not superior or inferior to each other - just different from each other.
- Is able to identify the disruptive attitudes and behaviour that stem from some form of social oppression and make appropriate interventions.

The multicultural manager, because he or she operates from the appropriate competency base, is skilled at both preventing conflict in the workplace before it surfaces and resolving conflict when it does surface. She or he is able to articulate a multicultural vision for the corporate unit and is able to develop and implement change processes that are appropriate to the multicultural development of the unit and that serve the multicultural vision. Employment Equity leads to productive multicultural organizations in which white males, women, visible minorities, aboriginal people and disabled persons are multicultural managers.

In conclusion, I would like to share with you a vision that I share with many Employment Equity advocates and practitioners. It's a vision of a diverse workplace where competence not sex determines who is hired; where ability not race determines who is promoted; where the desire to contribute not disability determines who is valued. I believe that this vision can only be realized if we have strong legislation that makes Employment Equity mandatory.

Mr. Peter Christmas, Director, Micmac Association for Cultural Studies, served as keynote speaker to the students' conference, 1976, involving junior and senior high school students of Hants East Rural High School.

HUMAN RIGHTS TODAY
CONFERENCE
DECEMBER 7, 1989
HALIFAX

MICHELLE FALARDEAU-RAMSAY
DEPUTY CHIEF COMMISSIONER,
CANADIAN HUMAN RIGHTS COMMISSION

I would like to thank you for inviting me to be with today, to share some of my thoughts on the topic of this important conference: "Human Rights Today". We all know that this is a timely meeting. Canadians are today more aware than ever of the human rights problem facing our country. They are also more determined to protect and preserve these rights.

With your permission, I would like to begin by pausing to remember Tony Johnstone, whom many of you had the honour of knowing. I know that he was a tireless and courageous advocate of human rights in this province. His life is a legacy of hope for everyone who cares about human rights and he exemplified the independence and courage that we must all strive for in this field. He is sorely missed.

I believe that people like Tony Johnstone helped Canadians today become more aware than ever about human rights issues. This awakening to human rights has many dimensions. More and more individuals and groups are aware of their rights. New human rights are being advanced within Canada and elsewhere. We were recently reminded of this with the adoption of the United Nations Declaration of the Rights of the Child. And, Human Rights Commissions are also awakening to the new challenges and also to a painful knowledge that many of the old challenges are still with us.

In all of that, it seems to me that Human Rights in Canada has entered a new era. THIS IS THE END OF THE INNOCENCE. And, perhaps it will be the beginning of something new and better-if less glamorous-learning to cope with, and change, the harsh reality of a diverse and changing society.

My views on where we are in human rights today, and where we may be going, are shaped by my experience at the Canadian Human Rights Commission, and before that, at the Immigration Appeal Board. I cannot cover so vast a topic as this, and so I will merely sketch out my ideas on how it was that we began in human rights, and why it is that we are now forced to cope with a new reality.

HUMAN RIGHTS YESTERDAY

In examining the developments that got us to where we are today, I would like to begin by celebrating our many achievements. It is truly remarkable that we have come so far in Canada in such a short period of time. Over the past 40 years, we have witnessed a human rights revolution, which has changed our constitution, our government practices, our courts, and our society.

You are all familiar with the origins of legislative action to protect human rights in Canada. Across the country, human rights commissions were created to administer comprehensive human rights laws. And these laws have been in a continual process of change and expansion. New grounds have been added, and new legislative mechanisms to protect rights or improve the operation of commissions have been created.

These have been bolstered by other laws, providing statutory protection for language rights in the federal sphere and, in some Provinces, creating ombudsman offices to investigate public complaints about the bureaucracy, and providing legal aid to those who cannot afford a lawyer. This legislative framework protects important human rights, and helps to see that the rights are actually recognized and respected in practice.

Of course, all of this was overshadowed in 1982 with the adoption of the Charter of Rights and Freedoms. Despite the hard, and sometimes nasty bargaining and posturing that preceded the adoption of the Charter prior to 1982, since that time I think that Canadians have taken hold of it, and made it an important part of our national fabric. Who could have believed that in these few years, the Charter would have such a dramatic impact? Part of the reason for that, I think, is that during the 1960s and 70s, Canadians were educated about human rights, and came to accept and believe that they were entitled to these rights. Some of that probably occurred as we watched American TV shows where police read people their rights. But some of it came about through the slow and methodical work of human rights commissions, and the countless groups and individuals who have devoted so much effort to educating people about rights.

We should celebrate and honour these people in the community groups and commissions, for we are all the beneficiaries of their years of work. Many successes were achieved. Overt discrimination on the basis of religion and race was the first point of attack. Next, came efforts to reduce sex and age discrimination. This was followed by efforts to include people with mental and physical challenges within the human rights fold. Aboriginal peoples were engaged in a remarkable period of social, political and cultural awakening during the 1970s.

Each of these groups began to state their case in the language of human rights, and Governments were forced to listen not only because of the moral weight of their arguments. Many of these groups also drew attention to their situation using legal challenges to discrimination, often with the assistance of human rights commissions. These cases, and the threat of more, created public attention for all sorts of human rights issues.

During this period, Canadians also became aware of the changing face of our society. Increases in immigration and refugee claimants from non-European countries confirmed what people in Halifax and elsewhere had known all along - Canada is a multicultural nation. This was recognized in Government policy in the 1970s and eventually also in the Charter of Rights.

The human rights victories of this period ranged from changes in law, for example with respect to the recognition of aboriginal rights or in the area of employment discrimination, to changes in public attitude. More groups asserted their rights, and more Canadians became aware of the significance of rights - their own and the rights of others.

For human rights commissions, this was an exciting and heady time. Commissions were making new law all the time, and scoring some important victories of their own. Commissions saw their caseloads rise steadily and, in many of these individual cases, a substantial remedy for the victim was obtained. The work was done on a case-by-case basis, and supplemented by educational activities when resources permitted.

Human rights matured as we moved into the 1980s. For example, in 1980, the first Canadian case on sexual harassment was decided, and it found that harassment was prohibited by the Ontario Human Rights Code (*Bell V. Flaming Steer Steakhouse*, Ontario). Nine years later, the Supreme Court of Canada confirmed that decision, and overturned the only Canadian case ever to have questioned this approach (*JanzenV.Platy Enterprises*, Manitoba).

As well, in the 1980s, new concepts of equality were introduced in human rights law, most notably the adverse effects approach. After over a decade of struggling to prove that someone intended to discriminate, with all of the difficulties of proof that are entailed in looking into the mind of the discriminator, a new approach was called for. A similar experience in the United States had led to the rejection of the idea that intent had to be proven.

Human rights law and practice has always looked to the victim for its direction. If we want to change the situation of the victim, it was asked, why do we care whether someone intended to discriminate? Shouldn't we simply ask whether the decision or rule has the effect of discriminating in its actual operation? During the 1980's, Canadian human rights law adopted an effects approach, and this too was confirmed by the Supreme Court of Canada in 1985 (*O'Malley v. Simpson-Sears*).

If I might summarize this dizzying survey of the past, I would emphasize three points:

- First, important progress was made. More people became aware of their rights, and more concerned about protecting them.
- Second, bedrock principles were established. As public acceptance of human rights increased, it was translated into governmental action. New rights were recognized, and new ways of better protecting existing rights were developed.
- Finally, key support for human rights was entrenched in the constitution, and accepted in vital institutions such as the Supreme Court of Canada. The legacy of the court in the 1980s is in the field of human rights, as I will describe in a moment.

THE END OF THE INNOCENCE

My theme here today is the end of the innocence. This sketch of the recent history of human rights establishes the key ingredients that I would describe as "innocence".

First, there was a core belief in the idea of "Human Rights". Some people called it the new religion, and many believed that it could change society quickly. In the past few decades, human rights has been infectious: The claims of rights that were first made on behalf of American (and Canadian) Blacks and religious minorities were taken up by women, aboriginal peoples, groups representing persons with a disability, and a host of others.

Rights became an important element in public affairs, and this was both reflected and encouraged by the Charter of Rights. But, everyone realized that rights had to be actually realized in practice; they could not just exist in theory, or on paper. We looked first to the courts, and then to human rights commissions, and latterly again to the courts using the Charter to protect these rights. Government policies could supplement and support certain of these rights. But the commissions and the courts were the key guarantors of rights.

In order to accomplish this, we set up complaints systems, and began to process individual cases. Some important victories were achieved. Thousands of people were able to enforce their human rights, and obtain some compensation for the injury done them. And some discriminatory practices were eliminated, or at least driven underground or out of public life. We cannot diminish these accomplishments.

However, in the 1980s, we lost our innocence about much of this. Study after study showed that despite all of these individual cases, society was still very much a "vertical mosaic". And as the individual caseloads increased, commissions became less able to devote resources to broaden public education. Indeed, commissions across the country began to struggle just to keep up with (or not fall too far behind) the caseload.

We began to hear complaints about increasing delays, and inadequate resolution of complaints in this period. Another bit of innocence gone. Commissions suffered under budgetary restraint at a time when more Canadians began to become painfully aware of stubborn human rights problems. Allegations of racism against visible minorities, persistent discrimination against women who work outside of the home, tales of racism in the justice system by aboriginal people, all have merged to strip the veneer of smugness from Canadian society. More innocence lost.

The old solutions no longer seem adequate to meet these new challenges. Over the past few years, many people have come to share this sentiment, and to look for new tools, and new concepts.

These tools can build upon the remarkable legacy of the Supreme Court of Canada in human rights law. In an almost unbroken string of cases in the 1980s, the Court has supported a broad approach to these laws. It has said that human rights laws are almost constitutional, and they will override other discriminatory laws (*Cartonv.Winnipeg School Division No. 1, Manitoba*). It has said that if these laws are to be effective, we must measure the effect of discrimination on the victim, and we must fashion remedies that will repair the harm done *and* make sure that it does not recur in the future (Robichaud v. DND).

These decisions can have a very important ripple effect, for example, when the Court last summer ruled that an employer's medical benefit plan was discriminatory because it excluded coverage for pregnant women. This sent a shock wave through the insurance and benefit plan industry (*Brooks v. Canada Safeway*, Manitoba). Employers, insurers, unions and women's groups are all assessing the impact of this decision.

One of our tasks for the 1990s is to translate these principles into reality. But we also realize that these principles seem to call out for new approaches to discrimination.

A range of new tools have been fashioned in recent years. Some agencies have developed rapid case processing systems to speed cases through where that is possible. This offers the hope of a quick response to a particular incident of discrimination, without the delays and the posturing that seem to accompany a formal investigation.

Changes to human rights codes have also provided new tools; for example, the Manitoba Human Rights Act now permits the commission to issue, upon request, binding advisory opinions on whether certain rules or practices are contrary to the law. This permits, and indeed encourages, employers or service providers to determine whether their practices violate the code, and it should forestall some complaints.

Statutes have also been enacted to create entirely new mechanisms for the protection of human rights. The Ontario and Manitoba Pay Equity laws are one example. Another, with which I am more familiar, is the Federal *Employment Equity Act*.. These laws combine a regulatory and complaints-driven enforcement process, and they may point the way for future developments in human rights law.

I think that the thinking behind these laws reflects our loss of innocence, and our desire to have better tools to come to grips with the current reality. Federal employment equity is as good an example as any, and since it is the one I know best, I will briefly describe its key features and tell you about our experience with it.

The *Employment Equity Act* was the Government's response to the Abella report on equality in employment. Judge Abella's report reinforced several basic facts. It laid out the statistics which confirmed what most knowledgeable people had been saying for a long time. Women are clustered in job ghettoes and underpaid. Aboriginal peoples face a mixture of legal, cultural and social barriers in the workplace. Disabled persons are largely denied access to education and barred from the workforce, and visible minorities are not adequately represented in all sectors of the workforce, or protected against discrimination. This study confirmed that almost a quarter-century of human rights law had helped some people, but many systemic barriers had not changed. Finally, it noted that the existing tools were not likely to produce enough equality soon because education, though valuable, is a glacially slow process, and existing human rights law was not designed to combat such broad-ranging systemic barriers.

The prescription for a new approach was mandatory, legislated, employment equity. and that is now being implemented in the federal sector.

This approach to equality is a long-term strategy for organizational change. It imposes an obligation on an employer to take a long, hard look at its workforce, and to identify and change its policies or practices that are discretionary whether by design or by operation.

The other major obligation is a deceptively simple one. To report annually on the numbers and the distribution of designated group members in the workforce. These numbers provide the basis for scrutiny by the Canadian Human Rights Commission, and they provide a yearly report-card to the public on achievements or failures. They will serve as a constant reminder to us all that innocence is nice, but equality is better.

The commission analyzed the employers' reports and decided to invite those with the worst to enter into voluntary reviews of their situation, to see what was wrong and how to fix it. Most of the employers have cooperated with us, but two - CBC and Bell Canada - refused to do so, and we have initiated complaints against them.

As well, a coalition of organizations representing persons with a disability filed several complaints against companies and departments.

This whole process of reporting, reviewing and investigating represents an attempt to move beyond a certain kind of innocence. The innocence of thinking that individual cases can and will create equality for all. We must not downplay the importance of these cases, or let up in our efforts to do better with them. That would be taking innocence entirely too far!

Neither must we discount the possibilities for real social change through employment equity. The change will come, slowly at first, and not without pain and struggle, especially in these early days. But I am convinced that employment equity, if we stick with it and push hard enough so that organizations are forced to really do it, does have the capacity to change our society.

Our comparison of the 1987 and 1988 employment equity reports is now underway, and even now we can say that the new numbers bring home a certain cold reality. The change is mixed, with some improvements and some backsliding. But unless our economy enters an unforeseen period of expansion, and unless employers begin a massive round of hiring, I think we will continue to see what the 1988 numbers show. The moves, if any, will be incremental and hard-won.

A few examples from our comparison of 1987 and 1988 employers' reports may help to explain what I mean. If we take the 14 employers who are now under review or investigation, we see that between 1987 and 1988.

- There was an overall decrease in the size of the workforce of full-time employees and an increase in the number of part-time employees;

- There was little change in the number of men and women (51% :49%);

- Aboriginal employees are still under-represented (0.6% vs 2.1% availability) and they are clustered at the lower end of the occupational ladder;

- Persons with a disability are slightly better represented (1.7% to 1.9%), but most employers showed a decrease in overall numbers within this category;

- Visible minorities increased from 6.3% to 7.0%, but their distribution remained very uneven among industrial sectors and the occupational categories.

Our experience, so far, shows that most employers have taken their obligations under the *Employment Equity Act* very seriously. We think that many employers have been surprised to find out how hard it is, to do this well. But, we know that most employers have made a commitment to employment equity, not only because it is the right thing to do, but also because it makes business sense to tap a new market of skilled and motivated employees.

As for the employers who are stalling us, or who have chosen to spend their money paying lawyers to fight us in court, instead of implementing employment equity, I can only say that we are unflinching in our commitment to use every legal tool available to enforce this law. We will not, we cannot, let up in this. You will see in the coming months that we will move ahead with these cases, one way or the other.

We never really began in this, with any sense of innocence. We knew there would be some fights along the way. Employment equity is one way for us to deal with the new reality, and it holds out the same great promise that has been behind all human rights laws - to make ours a more equal, and a more just, society.

HUMAN RIGHTS TOMORROW

As I look to the future, I must say that it is tempting to go back to the innocence. In some ways, human rights seemed more clear-cut then. Now we seem to spend all of our time in grey areas, often suspecting discrimination but falling just short of hard proof of it. Too often we know that racism, or sexism, or paternalism, is papered over with that typically Canadian veneer of politeness, and too many cases, still, fall through the cracks or are delayed so long that the remedy seems tainted by the wait.

As you continue, in this conference, to ponder the state of human rights today, I would like to consider these challenges, which I think we all face:

- How can we continue to make human rights commissions relevant to the problems of today? Can we do this just by working harder, or are new approaches and new tools needed?

- How can we continue to deal with the individual cases while also trying to achieve broad systemic change? Can we balance these two activities?

- How can we meet the emerging human rights concerns of the 1990's? What will the new rights be, and how can we protect them?

There will be no return to the innocence, however, and so we must look for ways of changing the cold, hard reality that the numbers tell us exist. But in doing that, in taking up these new tools in the fight against systemic discrimination, we must not lose sight of the human face of poverty and oppression.

It is hard to keep one's innocence when we are shocked by stories of injustice towards aboriginal peoples in the justice system, when one child in six in Canada lives in poverty, when so many women are still exposed to sexual harassment and poor pay in the workplace, and physical or sexual abuse in the home.

But if we have lost our innocence, we must not lose our hope. Human rights workers began with hope in the future, and faith in each other. Our task is to carry on that tradition.

We will live to see a better society. And we can all be proud of our efforts to build a country where the promise of equality for all is more than an empty dream.

Perhaps, in the end, all that I have done is traced out a new sort of innocence. But I cannot, and I will not, give that up.

Attending the C.G.I.T. Rally in Bedford United Church, 1979, were L to R: Barbara MacAlpine, leader; Tina Ballard, St. James United Church, Dartmouth; Patricia Simmonds, St. Thomas Baptist Church, North Preston; May Lui, guest speaker, Nova Scotia Human Rights Commission.

[illegible]

INTEGRAL PARTS OF THE TOTAL SCHOOL ENVIRONMENT

HUMAN RIGHTS
CONFERENCE
DECEMBER 7, 1989
HALIFAX

GLENDA J. REDDEN
CONSULTANT FOR
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DEPARTMENT OF
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I would like to begin my presentation with three human rights examples.

"I want to tell you a story", said Naomi. "My mother died when I was three. Each summer my dad saw to it that my little sister and I got to Loon Lake, up north, where old friends of my mother loved us, delighted in us, and nurtured us. My dad wanted us to have swimming lessons, so one day I set out with my little sister, feeling very big and responsible, taking her to the area where the lessons were given. I was about seven and she was four. The lake was roped off, a small shallow section for the very little ones and another area right next to it for those children, like myself, who were slightly bigger. I walked down the beach hand in hand with my sister and when I came to the roped-off area I saw a sign stuck in the water. It said: "NO JEWS OR DOGS."[1]

The second example:

"Once riding in old Baltimore,
Heartfilled, head filled with glee,
I saw a Baltimorian staring straight at me.
Now I was eight and very small
And he was no whit bigger,
And so I smiled,
But he stuck out his tongue and called me nigger.
I saw the whole of Baltimore from
May until November,
Of all the things that happened there,
That's all that I remember."'[2]

And from the mother of an AmerIndian to her son's teacher.

"Before you take charge of the classroom that contains my child, please ask yourself why you are going to teach Indian children. What are your expectations? What rewards do you anticipate? What ego-needs will our children have to meet?

Write down and examine all the information and opinions you possess about Indians. What are the stereotypes and untested assumptions that you bring with you into the classroom? How many negative attitudes toward Indians will you put before my child?

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[1] *Mary Sue McCarthy, "Self and Other - The Right to a Human Education", **Human Rights in Canadian Education**, Douglas Ray and Vincent D'Oyley (eds.) Dubuque, Iowa: Kendall/Hunt Publishing Company, 1983, pages 129-130.*

[2] *Excerpt from **Myself, Yourself**. Canada: Jenfilms Inc. 1981 (Distributed by Nobius Productions, Toronto).*

Too many teachers, unfortunately, seem to see their role as a rescuer. My child does not need to be rescued; he does not consider being an Indian a misfortune. He has a culture, probably older than yours; he has meaningful values and a rich and varied experiential background. However strange or incomprehensible it may seem to you, you have no right to do or say anything that implies to him that it is less than satisfactory.

Like most Indian children of his age, he is competent. He can dress himself, prepare a meal for himself, clean up afterwards, care for a younger child. He knows his Reserve, all of which is his home, like the back of his hand.

He is not accustomed to having to ask permission to do the ordinary things that are part of normal living. He is seldom forbidden to do anything; more usually, the consequences of an action are explained to him, and he is allowed to decide for himself whether or not to act. His entire existence since he as been old enough to see and hear has been an experiential learning situation, arranged to provide him with the opportunity to develop his skills and confidence in his own capacities. Didactic teaching will be an alien experience for him.

He has been taught, by precept, that courtesy is an essential part of human conduct, and rudeness is any action that makes another person feel stupid or foolish. Do not mistake his patient courtesy for indifference or passivity.

You will be well advised to remember that our children are skilful interpreters of the silent language. They will know your feelings and attitudes with unerring precision, no matter how carefully you arrange your smile or modulate your voice. They will learn in your classroom, because children learn involuntarily. What they learn depends on you.

Will my child learn that his sense of his own value and dignity is valid, or will he learn that he must forever be apologetic and "trying harder" because he isn't white? Can you help him acquire the intellectual skills he needs without at the same time imposing your values on top of those he already has?

Respect my child. He is a person. He has a right to be himself.

Yours very sincerely,

His Mother"[3]

And so do all children/persons have the right to be themselves.

How often have we denied children their human rights? I'm not referring to the formalized aspects of human rights as we evidenced by charters and laws, but I'm referring simply to the right of a child (and I'm using this term loosely to include all young people of pre-school and school age), to be treated with respect and dignity; to have his/her questions answered, opinions respected; to learn responsibilities as well as rights. How often as parents/teachers/adults do we negate the conversations or actions of young people by ridicule, sarcasm, non-response? As educators, do we mispronounce a child's name and make no attempt to correct our mistakes or do we give the child with the unfamiliar name a simpler name we can handle? Do we give or tolerate nick names such as Porky, Frog, Big Ears? Do we ridicule the way a child talks or are we impatient with his/her attempts at speaking or reading? Do we, through body language, give the child the impression that we're not interested in him/her?

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[3] *"Open Letter from an AmerIndian Mother to Her Son's Teacher"*. **Northern Newsletter**. *Indian and Northern Curriculum Resource Centre, University of Saskatachewan.*

The examples of the ways we deny children their educational human rights are numerous. These are but a few. And the ethnicity or culture of the child is immaterial. The same respect and dignity are required, although the specifics may vary. Let me illustrate this point more clearly. In some ethnic groups it is respectful to look an adult "in the eye", in others it is disrespectful. You need to know the difference. In some ethnic groups "independence" and "freedom" are viewed differently than in other groups. You need to understand the difference.

Human rights teaching is not just the overt teaching of human rights issues, or the discussion of declarations, or conventions, or covenants on human rights but human rights teaching is also the way the child, regardless of cultural or ethnic background, is treated in the classroom, and indeed, in the total school environment.

Before we examine the school environment, let's look for a minute at a concept which is vital to each and all of us, whether we be child or adult, white or black, Scottish, Ukrainian or Indian. I am referring to self-esteem (self-concept). The January issue of Reader's Digest (1986) had an article, "The Greatest Gift You Can Give Your Child", which discusses self-esteem - "that vital sense of worth and confidence that provides support not only for the years of growing up, but for a lifetime." The article is addressed to parents and it offers strategies for child-rearing which will contribute to self-esteem.

The suggestions given include:

- Examining your own (parental) values
- Helping your child to find his/her strengths and not to emphasize the deficiencies;
- Helping your child to be able to compete but also to have humanistic qualities;
- Helping your child to learn responsibilities as well as rights (and this incudes parental disciplining)[4].

Self-esteem whether high or low, affects the learning of every child. Those with high self-esteem, whose human rights have been recognized through the home environment, will enter school and continue through with an open readiness for learning, providing also, that the school environment also practices human rights.

In the past thirty years, the population of Canada has undergone major changes in terms of its composition. Previously the majority of immigrants had come from Western Europe, but since the early 1960s, the majority of the immigrants have come from the Caribbean, south-east and south-west Asia, and Africa.

The public school system which developed in English Canada in the late 19th and early 20th centuries was a reflection of the dominant cultural group—Anglo-Celtic. All students, regardless of their ethno-cultural backgrounds, were expected to conform to the dominant group and its cultural traits.

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[4] *James Dobson, "The Greatest Gift You Can Give Your Child",* ***Reader's Digest*** *January, 1986, pages 97-101, taken from* ***Hide or Seek****, Old Tappan, NJ: Fleming H. Revell Co., 1974, 1979.*

Not only our schools have been influenced by Anglo-Celtic cultural traits but also our government, businesses, banks, laws, and social welfare system. Where can one see these Anglo-Celtic traits which are present and influencing? In

- mass education and communication
- time regulations
- company employment
- regular, purposeful work
- status based on occupation, education and financial worth
- importance of achievement, rather than inheritance
- work ethic
- cleanliness

We are also talking about Anglo-Celtic values of self-reliance, industriousness, ambition, competitiveness, individualism, independence, humans as separate and superior to nature. We're also referring to possessions as a measure of success and achievement, impersonality or objectivity in relationships with others, direct or confrontive communication, associations of common interests being stronger than kinship ties, the nuclear family as the basic kinship unit, the acceptance of absolute values, and the emphasis on youthfulness and on the future.[5]

Our schools, then, and even the schools in the francophone parts of the Maritimes, have reflected these values, and I'm sure that on personal reflection, you can relate to many of these. If you belong to a cultural/ethnic group which is not a part of that Anglo-Celtic group you can also reflect on the differences between the cultural traits and values of your group, and those of the dominant society as reflected in the school system. You were expected to conform, to assimilate; you were expected to become as an Anglo Celtic. And many of you did! You gave up your language, your national dress, your religious practices. You gave up some of your essential human rights! There were other groups, of course, who wouldn't conform, such as the Amish and the Hutterites, or who couldn't conform, such as the Chinese or Blacks, because of certain physical characteristics.

And then came the late 50s and early 60s and the "black power" or Civil Rights movement, the first major evidence of a coming change which would affect all aspects of society, including education. As a result of this initial movement, other groups began to make their presence felt, both politically and socially, and with their growing refusals to tolerate discrimination by the dominant Anglo-Celtic cultural group, and its political and social institutions. There was a growing acceptance of different ethnic groups.

And what of the schools, then? Are they ready for all children, regardless of their ethnic and/or cultural background? How are schools to meet the needs of a multicultural society? The only way is through a total school environment which reflects the multiethnicity of today's society and which practices human rights. Among the factors which must reflect this pluralism are the formalized program of studies, institutional norms and school policy. Let's briefly examine these terms of multicultural education.

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[5] *Donna M. Gollnick and Philip C. Chinn.* ***Multicultural Education (in a Pluralistic Society).*** *St. Louis: The C. V. Mosby Company, 1983.*

FORMALIZED PROGRAM OF STUDY

(Department Guidelines) All courses/programs, where logically possible, must reflect the diverse cultural and ethnic composition of society. It is not sufficient just to include a unit or even a course in social studies on a particular group, i.e., Blacks, Native Peoples. Such a focus tends to isolate the group and not to show its role in the total picture. Such a focus also tends to restrict the availability of the information only to those who study the particular unit or course.

It is important that all students be exposed to many cultures/ethnic groups in a variety of ways and at all grade levels. The music program should include song, dance, rhythm, composers from a number of cultural/ethnic groups. Physical education should reflect the games and sports of various groups; it must also consider the socialization practices of specific groups, eg., (Portuguese and swimming). English language arts and literature should reflect cultures from around the world. The literature should also reflect human rights issues/events. The contributions of individuals, regardless of ethnicity, to science and mathematics should be made known. The French programs, whether as "first language" or "second language" can also be reflective of multiculturalism and human rights.

And, of course, there's social studies. Courses/programs need to include specific information on the history and culture of cultural/ethnic groups. Historic events, situations, conflicts and interpretation from diverse cultural/ethnic perspectives need to be presented. The contributions made by groups to the development of Canada need to be taught. It is also important that the social and economic conditions which various groups have experienced and continued to experience in Canada be included in the curriculum. There is also the need to help students understand how racism, bias, and prejudice affect the behavior and experiences of all groups, and also children of low socio-economic environments. Human rights issues/events are a logical part of social studies.

TEACHING METHODS AND MATERIALS

If we are to recognize the rights of all students to a stimulating learning environment, we must use a variety of teaching methods and also be aware of the various learning styles of our students. Teaching methods must address all the senses, as far as is humanly possible, for some children learn better by seeing others, by hearing others, by feeling or smelling. All learn by doing. Children need to be active participants in the learning process, yet there are cultural differences which must be considered.

All students cannot be treated identically and still have equal educational opportunities. Studies have shown that students who are members of minority groups, especially those who are poor, often have values, behavioral patterns, cognitive styles, expectations, and other cultural characteristics which differ from the school's culture. The school has to recognize these differences and modify its instructional programs where necessary, to reflect the cultures and learning styles of students from diverse ethnic and social class groups.

There is still much work to be done in the area of teaching strategies/learning styles, but there are some obvious examples. If a child is brought up in a home environment which is very permissible, an authoritarian type of school environment will be foreign to this child. A child who is used to learning in a group environment will have difficulty adjusting to learning on his/her own. Teachers, themselves, must exhibit a human rights philosophy in their teaching.

Learning materials, over the past ten years have undergone major changes, and are now more reflective of the role played by various ethnic groups. There is still a long way to go, however, for most groups to be fairly represented. Previously, learning materials, including textbooks, supplementary print resources, and visuals, such as film and filmstrips, tended to represent views, situations, and events primarily from the perspectives of Anglo Canadian historians and social scientists (except in Quebec) sympathetic to the dominant group. There were even anglophone and francophone versions of events, eg., Fall of New France. The perspective of other groups, such as Blacks and Native Peoples were often omitted, or if included, were presented in a derogatory way.

These are gradually being overcome as curriculum developers, writers, publishers, educators in general become more sensitive to the situations, and address the stereotyping, bias, prejudice, omissions, and so forth evidenced in earlier materials. Specific human rights situations/events are also becoming a part of new materials.

ASSESSMENT AND TESTING PROCEDURES/COUNSELLING

A school which addresses the human rights of its students must be able to appropriately assess and test its students. Achievement tests which are normed on white middle class students will not give a fair assessment to all students. Tests requiring multiple choice responses will be unfamiliar to students who have never been tested this way. Assessments given by anglophone counsellors to non-anglophone students will hardly be accurate. The results of tests which use terminology foreign to the student will indicate lack of knowledge of specific terminology, but this does not necessarily indicate lack of conceptual understanding.

Attempts to meet these concerns have included 'culture-free tests", although there are still some concerns with these. Some areas use counsellors/assessors who speak the same language as the student. Prior "practicing" in testing procedures is also beginning to take place.

In some areas counsellors have been accused of directing certain groups of students to the non-academically oriented courses with the result that future options for these students are often limited. There are no studies that I'm aware of that clearly show one ethnic group to be inferior to another - different in expectations, different in cognitive styles, but not inferior in the ability to learn. We need to examine more closely why students are a) placed where they are in classes, and b) how they are counselled in terms of their future options.

INSTITUTIONAL NORMS

As mentioned earlier, the traditional English public school system was based on Anglo-Celtic values. This meant, then, that every student, regardless of ethnic or cultural background. was expected to conform to the Anglo wave of doing things including speaking English.

In the 1960s, as a result of the unrest in Quebec, the Bilingual and Bicultural Commission brought in a report which, in October, 1971, resulted in Pierre Trudeau's announcement of "multiculturalism in a bilingual framework ". Since that time the Canadian Charter of Rights and Freedoms (1982), the official Languages Act (revised) (1988) and the Multiculturalism Act (1988) have reinforced the multicultural reality.

In addition, Canada voted for the Universal Declaration of Human Rights, and is a signatory to the other international rights and covenants. Nationally, there are federal, provincial and territorial human rights legislations. Nova Scotia now has its own Human Rights (1969) and Multiculturalism acts (1989).

All of these establish the legal context for multiculturalism in education, and the support for specific policies which clearly set down responsibilities and expectations.

SCHOOL POLICY/ATTITUDES AND EXPECTATIONS OF THE SCHOOL STAFF

If a school is to truly meet the needs of its multicultural/multiethnic student population, the school staff should reflect this diversity. Role modelling is a recognized way for students to learn behaviors and attitudes; a black child who sees only white teachers does not have the same opportunity for role modelling that the white child will have in the same situation. There is a need for all students to be exposed to teachers of different ethnic groups.

The teachers themselves need to have a positive attitude toward ethnic youths and to have high academic expectations for them. Teachers attitudes and expectations have a profound impact on students' perceptions, academic behavior, self-concepts, and beliefs. Teachers also play an important role in the formation of children's racial attitudes and beliefs.

Studies indicate that teacher behavior is more important than teacher attitudes, and that behavior is highly influenced by the norms within the school and the school setting. "Thus the prejudiced individual will tend to act in a non-prejudicial way if there are powerful norms and sanctions against acting prejudiced within a particular institution".[6] A school policy which states and enforces non-acceptance of racial behavior will force the prejudiced teacher to behave in a non-prejudicial way.

Language and language usage, eg., dialects, is another area the school needs to address. Language is important for cultural/ethnic identity; a child does not necessarily have to lose his/her language, instead he/she can be taught that the language used in school is still another language. Recognizing a child's language gives that child a sense of respect and dignity. All of us learn various "languages" - the language of home, of business, of formal speech, of friendly letter writing; some learn French or Italian, or Japanese. Language patterns which are different because of culture or ethnicity should be viewed as valid communications systems, needed to survive in the family and/or community. Standard English, however, should be viewed as an important language.

TEACHER EDUCATION/TRAINING

This includes both pre-service and in-service education and is applicable to all involved in educational activities. In pre-service education, multicultural and human rights education need to be included in courses such as philosophy, assessment and testing, curriculum instruction, and so forth. In addition, there is currently a need for separate courses which give a specific emphasis on multiculturalism and human rights. Education for teachers must include such things as human relations and sensitivity training; knowledge and appreciation of various ethnic/cultural groups; understanding of bias, prejudice, and stereotyping; understanding of and use of human rights practices; and knowledge of human rights events/issues.

THE "HIDDEN" CURRICULUM

There are many things that help to make the "hidden" curriculum, that part of curriculum not formally taught but from which learning takes place. A highly structured classroom, with neat rows of desks, hands-only responses, "the right answer", will convey a very different message to a student than a classroom where there are various groupings of desks, responses which can be given without prior permission, and where exploration of possible answers is the accepted procedure.

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[6] *James Banks, **Multiethnic Education: Practices and Promises**. Bloomington, The Phi Delta Kappa Educational Foundation, 1977.*

Evaluation based solely on written tests means something quite different from evaluation based on various "testing" strategies, such as model making, writing a play, a bulletin board display, a written test. Written tests which reflect only the lower levels of cognitive thinking, i.e., knowledge and interpretation, will convey a different message than tests which reflect analysis, synthesis, and evaluation, the higher levels of cognitive thinking.

Many of the cultural aspects, such as a child's name, touching, use of space, praise, school/parental conflict, can all influence learning in the classroom.

Each of these examples of the "hidden" curriculum help to deny or enhance the students right to learning and to preparation for equal opportunity in our society.

COMMUNITY PARTICIPATION/COMMUNICATION

It is becoming increasingly important, as more and more children of diverse ethnic and cultural backgrounds enter our schools, that a system of effective communication with parents be set up. Schools are going to have to know more about the cultural values and educational expectations of their students' families. Parents from many cultural groups do not feel comfortable visiting their children's school; the school is going to have to go to them. Parents can be invited as resource people, and bring skills of crafts, or music or cooking, or tell about their experiences, or their work, or their life in their homeland.

Language may be a problem. If English is not the main language in the home, parents may feel very uncomfortable trying to converse in English (or French). In addition, the newsletters, the report cards, the papers to sign will often be meaningless to these parents. Translation services may be required, and the professional/technical/educational language of education will need to be simplified.

CONCLUSION

Multiculturalism is a reality in our country and in our province, and the educational needs of all children must be met. In the past, the emphasis on identical treatment did not provide equal educational opportunities for all students. We must recognize the diversity of our children's needs and meet that diversity through changes in programming strategies, evaluation, policy and the other areas mentioned. Every child has the capability to learn; every child deserves the right to receive the best education we can give him/her. Every child is entitled to his/her human rights.

DAMAGE AWARDS

EXCERPTS FROM A PRESENTATION
NOVA SCOTIA HUMAN RIGHTS CONFERENCE
DECEMBER 7, 1989
HALIFAX

RANDALL R. DUPLAK, Q.C.
SENIOR SOLICITOR, DEPARTMENT OF THE ATTORNEY GENERAL, NOVA SCOTIA

My topic for discussion is a historical background of damage awards in Human Rights Boards of Inquiries. Originally, when I was chairing this panel and I contacted Mr. Wayne MacKay to do this topic, I can remember asking him in preparing his presentation to please make it thought provoking. Following this instruction has now created somewhat of a quandry for myself. Being a civil servant and also having to be provocative to some people would seem to be a contradiction in concepts. To overcome this possibly perceived contradiction, I will issue a disclaimer that any comments made by myself this morning are not necessarily those of the Nova Scotia Human Rights Commission, the Attorney General's Department, the Government of Nova Scotia, Her Majesty the Queen, or anybody else I may have forgotten who could possibly affect my continued employment.

The next problem that occurred to me is how in going through past decisions of Board of Inquiries under the human rights legislation can you possibly make your presentation thought provoking. Then after doing my research in the area, it suddenly occurred to me that the damage awards that have been made by Boards of Inquiries are enough to provoke the sensibilities of anyone.

In making my presentation this morning, I could simply recite a lithany of Public Board of Inquiry decisions. This would be interesting if you are an academic, very interesting if you are a statistician, fascinating if you are sadistic, and very boring if you are none of the above. Being none of the above, I will only touch upon a few cases which, hopefully, will get my message across.

However, in order to contemplate damage awards, I think it is necessary to review briefly the historical background of discrimination's arrival in Canada.

Before Confederation, race relations in the territories that became Canada commenced with slavery. There were a few slaves, both Black and Amerindian, in New France as early as the 17th century. The British settlers (largely from the 13 colonies to the south) brought slaves with them. Even before then, slaves were brought into Nova Scotia from the time of the founding of Halifax. Many loyalists who came into the Atlantic Region after the American Revolution brought slaves with them, although freed black loyalists immigrated as well. Slavery did not disappear in Canada until 1833 when the Emancipation Act was passed.

The Constitution Act, 1867, apart from some provisions protecting English and French language and certain rights to religious schools, makes no reference to equality rights. More importantly, the Judicial Committee of the Privy Council decided early in our constitutional history that discrimination was not a basis for invalidating legislation.

With the blessings of the courts, governments, both provincial and federal, were quick to enact legislation to discriminate against visible minorities such as: Chinese, Japanese, Native people, the Indian sub-continent and religious groups such as the Doukhobors. This legislation prohibited their immigration to Canada, their ability to work in Canada, their ability to operate a business (white women and children were prohibited by law to work for them) and were denied the franchise to vote. The denial of the right to vote meant they could not join professions, own land, be elected to school boards or any other elected position or even serve on juries because to be able to do any of these things required as a qualification that a person be on the voters list.

These law were not removed from the statutes until well into the 1950's and not until 1960 were Native people allowed to vote.

So intense was the discriminatory feeling of Canada's white population against the visible minorities that in 1907 in Vancouver race riots broke out which only encouraged the Canadian Government to move to enact further restrictions. This type of discrimination was not limited to race, religion, national ethnic origin, but also covered women and children who during this period of time were no more than mere chattels or things. This type of legislation lasted well into the mid 20th century, and even more interesting, this type of discrimination was actively upheld and encouraged by our courts. It was not until 1947, that the first detailed and comprehensive statute dealing with discrimination was enacted and that was the Saskatchewan Bill of Rights.

This background is important to keep in mind when one looks at and considers the damage awards that have been passed down by Board of Inquiries.

In dealing with damages, I will not deal with special damages or what are out of pocket expenses, but with the concept of general damages. General damages is the award that the Boards of Inquiries are asked to make when considering mental anguish, injury to the complainant's dignity and self respect, and the deprivation of an individual's right to freedom from discrimination. These areas in considering damage awards are serious and are directly related to the effect discrimination has upon an individual complainant. Yet as serious as they seem to be, in looking at past awards it would appear that the individual's dignity, right to freedom from discrimination and mental anguish are of little or no value.

Here are a few examples of the awards in Nova Scotia from some of our Boards of Inquiries as to the value to be placed upon a person's dignity, mental anguish, right to the freedom not to be discriminated against:

1. In a 1986 decision of a Board of Inquiry on Shane Paris vs. Caverley Light Trucking Company, Mr. Paris was employed as a general labourer and a painter. He was dismissed from his employment because his employer had informed him that his customers did not want a black person doing work on their property and that surely he understood because these types of things had been happening for over 200 years. The employer had also constantly submitted Mr. Paris to situations of jokes dealing with his race. Mr. Paris was successful in his complaint and the Board of Inquiry in making its award, awarded no damages to Mr. Paris because the conversation was of a private nature between him and his employer and further that although Mr. Paris did suffer embarrassment under the circumstances it didn't warrant any damages.

2. Another case is that of Donna Ferguson vs. The Cape Breton District School Board. This was a teacher who made the mistake of getting married. As a result of getting married, she was dismissed from her employment and after ten years of trying to obtain employment, she finally came to the Human Rights Commission with her complaint. Again, Mrs. Ferguson was successful in her complaint and it was shown that the School Board discriminated against her because of her marital status. The Board of Inquiry, however, when it came to awarding damages determined that no award would be made even though she had been discriminated against because the Board wasn't satisfied that she would have got the job over those that were

hired. The Board would not consider damages for mental anguish, injury to dignity and the freedom not to be discriminated against. This was a decision in 1987.

3. Another case is that of Cindy McKay vs. Dr. Metha. This is a 1987 decision of a Nova Scotia Board of Inquiry involving a young lady who was subjected to sexual harassment from her employer. It was a case of a woman being subjected to touching of her clothing, kissing, touching of her breasts, and sexual innuendos. This complainant was successful and when the Board of Inquiry came to awarding damages, the Board found that they would make no award for general damages. Again, any consideration to the effect that the discrimination had upon the complainant was totally ignored.

4. A further case involved the Manor Inn in Yarmouth, Nova Scotia. This was a 1980 Board of Inquiry where discrimination was alleged based on race and sex. Mr. Barry alleged he was fired from his employment by the owner of the Manor Inn because (a) he was black, and (b) the owner only wanted females working in his lounge. Mr. Barry was successful under both grounds. The Board in awarding damages gave Mr. Barry for humiliation and embarrassment the sum of $100.00 because the incident complained of all took place in private conversation or substantially so. The Board also commented that in their view that the major portion of the humiliation they hope would fall on the Manor Inn and not upon Mr. Barry who had nothing whatsoever to be ashamed of.

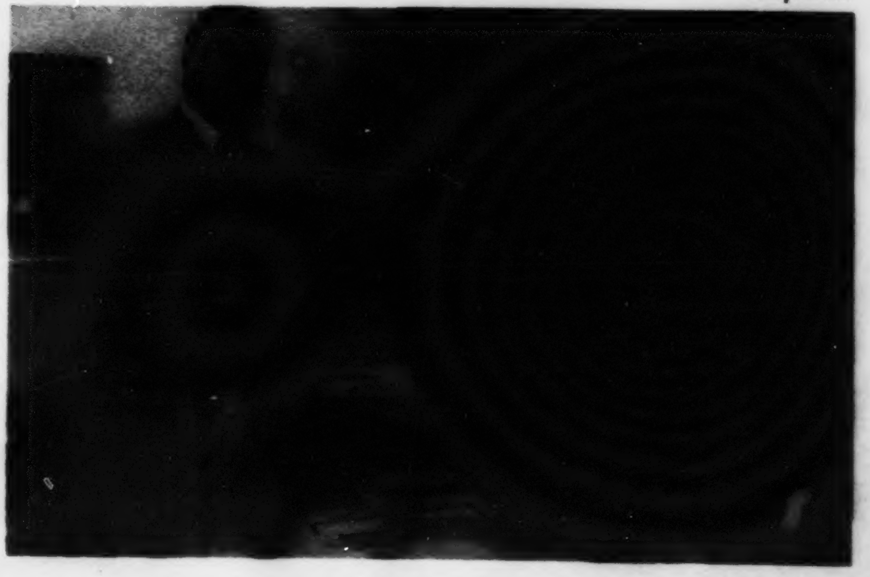
5. Another, and the last I will refer to, is a 1980 Board of Inquiry, a complaint by Don Simmons against Mr. Bruce McKenna, alleging denial of rental accommodations because of his colour. Mr. McKenna was found to have stated that there was no way that he wanted niggers living in his house and that if you get blacks living in the house they will bring their friends and they will wreck the place and you would have to put a lock on your bedroom door. In arriving at a damage award for humiliation, the Board felt that $100.00 was sufficient.

And the cases go on and on and on in this same type of view in Nova Scotia. In a quick flip through decisions of Nova Scotia Boards of Inquiries that went to a full hearing since 1969, out of 19 cases, approximately 17 Boards of Inquiries made no award of monetary damages for pain and suffering, humiliation, etc. Of those two that did, $100.00 was the highest award.

The situation across Canada is not much better with the range being in the vicinity of anywhere from $100.00 to $4,000.00. It is interesting to note that the trend elsewhere in Canada is an upward trend with general damages awards generally becoming higher and higher as each year goes by. I would like to believe that as it becomes more obvious to Boards of Inquiries as to just what effect discrimination has upon an individual and the people that are close to that individual that this better appreciation will result in a higher and more appropriate compensation.

This trends has also become, I would suggest, apparent to governments and, as a result, some have been quick to move to place a cap or ceiling on the amount of damages that can be awarded for injury to feelings and self respect and dignity, etc. The Government of Ontario has placed a ceiling of $10,000.00, while the federal government has placed a ceiling of $5,000.00. To pass a law that predetermines what the maximum amount of injury to your dignity and self respect you are allowed to suffer strikes me as ludicrous. I wonder if the Prime Minister of Canada would find $5,000.00 sufficient compensation if he was suddenly fired because he was Irish.

On that note, I will stop before I manage to get myself fired, and close by simply saying that not only must the public be convinced that discrimination is wrong, but that when you discriminate against a person it hurts.



Books presented to the NSHRC Library by Sundari Jeganathan in memory of her late husband, 1992. L to R: Gerald Boudreau, Human Rights Officer; Sundari Jeganathan, Francine Comeau, Coordinator of Investigation and Compliance.

RECOLLECTIONS ON HUMAN RIGHTS DAY DECEMBER 10, 1989

DR. FRED R. MACKINNON

I have been asked to speak to you briefly on the historical background of the Human Rights Commission and the significance of the Commission's role in Nova Scotia.

I look upon old age as a privilege which enables me to remember the past, to savor the present and contemplate the future. In remembering that past, I must conclude we have come a long distance from the way it was in the years before the Second World War, a time very few of you here would know or remember.

We are concerned here in this assembly with developing a just society, a compassionate and caring society, a world where neither race, color, ethnic origin, creed or social and economic condition affects our inalienable right to the privileges our citizenship affords.

Some one said to me a few years ago, that in this long struggle for social justice, we each move ahead in our own way, doing our little bit here and there, until at some point the goals we strive for are within our reach. Only then does frustration and failure become real and touching because we begin to see the shape of things to come. We can imagine what the just society would be like and as it was with Martin Luther King, the dream becomes real and near at hand.

The just society I speak of has had a long genesis, but it truly began to flower in the post war years with the development in Canada of what some call the welfare state, but which I prefer to call the just, equitable and caring society.

I believed then that employment, education and housing were the solid pillars on which that society had to be based and that the phrase "human rights" would be meaningless until all Nova Scotians had reasonable access to these basic and fundamental resources. But that ideal state of affairs is difficult to achieve and until William Blake's new Jerusalem is built in this green and pleasant land, income security has to be provided by the State.

The post-war society has tried to build this safety net albeit imperfectly, but we have tried and are trying and that commitment is what makes the society of 1989 more just and equitable compared to the pre-war years when the road seemed to imply that poverty, misery, squalor, and idleness were inevitable and an expression of the Lord's will.

We know now such conditions are not the Lord's will and we are committed to their eradication. In spite of setbacks the promised land is at least spread before us as it was to Moses so long ago.

In 1958 Hardy Moffatt, then Deputy Minister of Education and I received a brief memo from Honourable R.L. Stanfield, Premier of Nova Scotia. The message was to the point - would we, as departmental Deputy Heads in Education and Welfare, give thought to ways and means of improving social and economic conditions in the black communities in Nova Scotia. The Premier wanted a plan of action.

A number of useful steps were taken in the Departments of Education and Public Welfare. The late Dr. William Oliver worked for the Department of Education in those years and his contribution was memorable and outstanding. Time does not permit me to describe the events of these early years in any detail, but the central recommendation we made to the Premier related to all Departments of Government concerned with human resources, and out of that came the formation of the Interdepartmental Committee of Human Rights in 1962. I served as Secretary of that Committee from its formation until eventually it became the Human Rights Commission in 1967.

The Interdepartmental Committee was most successful because it included within its membership representation from the non-governmental community and the Premier attended every meeting, thus ensuring that Departmental Deputy Heads in the Departments of Labour, the Attorney General, Health and Housing were in attendance. In fact, the Premier made it clear that meetings were not to be called when he could not be present.

I am a firm believer in the principle that actions speak so loudly no one listens to what we say and Premier Stanfield's commitment to the cause of Human Rights was in that mode. It became very clear to Department Heads and Deputy Heads where the Premier stood and the Committee accomplished much between 1962 and 1967.

The Human Rights Commission was established in 1967 with Andrew MacKay, who is being honored here today, as its first chairman.

Today we renew and pledge our commitment which we made in those early years. The three pillars on which Human Rights become meaningful remain unchanged; fair and equal access to employment, education and housing. Give to all our citizens a decent education, give to all who can work a job at a living wage where they can earn their way with dignity and self-respect and make more safe and affordable housing available for all.

I said earlier the goals are now in plain view. We know now that somehow they will be achieved, but there is still a long way to go.

For some of us the conversion to the need for human rights legislation and action, if I may call if that, is only skin deep. For others the conversion is real, but sometimes the frustration of hopes deferred is discouraging. There are very many competing demands out there on government. A futurist speaking to Community Services senior personnel said, "we have to become more sure-footed in the days ahead". I fully agree. If we are to convince business, industry and government of the rightness and urgency of those things we believe in and work for, emotion, flash advertising, flimsy arguments and fuzzy theory will achieve little and, in the long run, may work to the detriment of the cause we believe in.

History in on our side. Our cause is a better humanity fashioned in God's image. The arguments are there for us to make. We shall have to become "sure-footed" as we proceed.

I never think of human rights, or of the struggles entailed in creating a just society, but I recall a piece I came across a long time ago - I have forgotten where. I cannot do better than leave you with this thought:

"Democracy is first of all a faith in humanity, in individual worth, possibilities, and ultimate dependability...Central for the democratic faith is the conviction as to the sacredness of human personality. Humanity is always to be treated as an end, never as property or tool as Kant pointed out and as the prophets and Jesus made plain long centuries before. Against all exploitations by class or vested privilege, against those ancient social ends of slavery and the assumed inferiority of woman and the defencelessness of childhood, against persistent feelings of race superiority, and of contempt for others, there stands this conviction of democracy, that property and government and church exist for people and not people for these institutions, that it is we as individuals that count, not people as male or white or nordic or rich or wise, and that nothing less than the wellbeing of all people can be the goal of social change".